



# California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

*Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.*

### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

#### CONFLICT OF INTEREST CODES

##### ADOPTION

##### MULTI-COUNTY:

Calleguas-Las Virgenes Municipal Water District  
Public Financing Authority

##### AMENDMENT

##### MULTI-COUNTY:

Center Unified School District

A written comment period has been established commencing on **July 25, 2003** and closing on **September 8, 2003**. Written comments should be directed to the Fair Political Practices Commission, Attention Teri Rindahl, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review; unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **September 8, 2003**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

#### EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

#### AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

#### REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

#### CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Teri Rindahl, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

#### AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Teri Rindahl, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

**NOTICE IS HEREBY GIVEN** that the Department of Food and Agriculture is proposing to take the action described in the Informative Digest. A public hearing is not scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than **15 days prior to the close of the written comment period.** Any person interested may present statements or arguments in writing relevant to the action proposed to the person designated in this Notice as the contact person by **5:00 p.m. on September 8, 2003.**

Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

#### AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 407 and 9932 of the Food and Agricultural Code, and to implement, interpret or make specific sections 9561, 9562, 9570, and 9574 of said Code, the Department of Food and Agriculture is considering changes to Article 1.5, Article 2, and Article 2.5 of Chapter 2, Division 2, of Title 3 of the California Code of Regulations as follows:

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Food and Agricultural Code Section 9561 authorizes the State Veterinarian of the Department to establish regulations to prevent or eradicate any condition that could cause risk to animals or the health and safety of the citizens of this state. Section 9562 further authorizes the State Veterinarian to quarantine or restrict the movement of animals or animal products to minimize the risk of an illness that could kill or seriously damage other animals or humans.

The Department has in place existing disease control regulations for the importation of cattle, and other livestock, in compliance with sections 9561 and 9562. This proposal makes technical amendments

for organizational purposes to the regulations, repeals outdated requirements and replaces them with updated requirements to control the spread of brucellosis, TB and scabies of cattle and other livestock.

Specifically, this proposal repeals outdated cattle and other livestock importation requirements from existing sections 753.2(c), 757, 759, 759.1, 759.2, 759.3, 759.4 and 759.5 of Title 3 of the California Code of Regulations. The requirements are updated under Article 2, as amended, and adds sections 755, 755.1, 755.2, 755.3, 755.4, 755.5 and 755.6; Article 2.5, as amended, and adds sections 756, 756.1, 756.2, 756.3, 757, 758, 758.1 and 759, to specify the movement of cattle and other livestock for consistency with federal and international laws for animal disease control.

The updated requirements, as grouped under Article 2 and Article 2.5, provides a definition of the terms used in each article, describes the general requirements for livestock entering California, and the specifics for obtaining an Interstate Livestock Entry Permit and a Certificate of Veterinary Inspection. The articles also specify the treatment, vaccination and testing requirements for the prevention of brucellosis, cattle TB, cattle scabies, and specify violations.

#### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Department has made an initial determination that the proposed regulatory action would not have significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. This proposal contains (1) disease testing requirements, (2) record keeping requirements and (3) structural requirements to pens in feedlots to house high-risk animals should a person or business choose to accept such animals.

- (1) The costs associated with the disease testing requirements cannot be determined by the Department for businesses. Many livestock owners, public auctions, salesyards and feedlots may utilize their own staff veterinarians to conduct disease testing, or administer vaccinations and treatment to livestock. Privately employed veterinarians, or any state licensed veterinarian, may become accredited to perform the testing required by these regulations through federal agencies.



Other persons or businesses may need to pay for veterinary services as needed to comply with these regulations, as all costs are to be borne by the owner of the livestock. The Department cannot approximate costs for veterinary services as they vary by region, some veterinarians are salaried employees of businesses, and many businesses are located in remote areas which all affect costs.

- (2) The costs associated with the record-keeping requirement cannot be determined as the number of animals entering the designated pens cannot be forecasted, as these animals have not yet been identified. These animals are high-risk for having TB and the Department is unaware of exactly how many of these animals exist; the number of these animals is dependent upon the extent of TB infection yet to be discovered. However, the Department has determined that record keeping is a standard business practice for persons marketing livestock and necessary for the tracking or tracing of animals found to be infected with diseases having the potential to cause serious health risks to livestock in the state.
- (3) Feedlots, choosing to accept high-risk animals for finish feeding in a designated pen, must meet specific logistical, structural, and operational requirements. The costs associated with these requirements cannot be determined as they are dependent upon a variety of factors unknown to the Department. For example, some feedlots may not want to accept high-risk animals at all, therefore no modifications to the existing facility would be necessary. The Department cannot predict how many feedlots will apply for designated pen status, as this too is dependent on the extent of tuberculosis infection discovered. Additionally, feedlots may already be set up to accept high-risk animals and not need to make any structural changes; or some feedlots may need only to make slight modifications to existing fencing to meet the separation requirements; or they may have to build a new pen or area to restrict the animals. Costs associated with construction or modifications are dependent upon the economy, the extent of the project, location of the feedlot (some may be in remote locations), and choice of materials used, all of which cannot be determined.

In making these determinations, the Department has not considered alternatives that would lessen any adverse economic impact on businesses and invites the public to submit such proposals during the written comment period.

Impact on Jobs/New Businesses: The Department has determined that this regulatory proposal will not

have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

Cost Impacts on Private Persons or Entities: The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action, and that is known to the Department are: (1) disease testing requirements, (2) record keeping requirements, and (3) structural requirements to pens in feedlots to house high-risk animals should a person or business choose to accept such animals.

- (1) The costs associated with the disease testing requirements cannot be determined by the Department for persons or entities. Many livestock owners, public auctions, salesyards and feedlots may utilize their own staff veterinarians to conduct disease testing, or administer vaccinations and treatment to livestock. Privately employed veterinarians, or any state licensed veterinarian, may become accredited to perform the testing required by these regulations through federal agencies. Other persons may need to pay for veterinary services as needed to comply with these regulations, as all costs are to be borne by the owner of the livestock. The Department cannot approximate costs for veterinary services as they vary by region, some veterinarians are salaried employees of businesses or other entities, and many businesses are located in remote areas which all affect costs.
- (2) The costs associated with the record-keeping requirement cannot be determined as the number of animals entering the designated pens cannot be forecasted as these animals have not yet been identified. These animals are high-risk for having TB and the Department is unaware of exactly how many of these animals there are presently in the cattle herd population, as their number is dependent upon the extent of TB infection discovered. However, the Department has determined that record keeping is a standard business practice for persons marketing livestock and necessary for the tracking or tracing of animals found to be infected with diseases having the potential to cause serious health risks to livestock in the state.
- (3) The costs associated with any necessary modifications to the feedlot should they choose to accept high-risk animals, cannot be determined as each individual feeding operation's design is different and the extent of the needed modification for each feedlot cannot be determined. Additionally, the Department is uncertain as to the number of feedlots willing to accept high-risk animals and therefore, how many will be applying for design-

nated pen status. Costs associated with construction or modifications are dependent upon the economy, the extent of the project, location of the feedlot (some may be in remote locations), and choice of materials used, all of which cannot be determined.

Effect on Housing Costs: None

#### EFFECT ON SMALL BUSINESS

The Department has determined that the proposed regulations would affect small businesses.

#### CONSIDERATION OF ALTERNATIVES

The Department of Food and Agriculture must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing (if a hearing is requested from the public), or during the public comment period.

#### INITIAL STATEMENT OF REASONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing (if a hearing is requested) or during the public comment period upon request from the Department of Food and Agriculture, 1220 N Street, Room A-114, Sacramento, CA 95814.

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the persons named below.

Any person may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact persons named below or by accessing the website listed below.

#### CONTACT PERSONS

Inquires concerning the substance of the proposed regulations is to be addressed to the following:

Name: Thami Rodgers, Associate Analyst  
Address: Department of Food and Agriculture  
Animal Health and Food  
Safety Services  
1220 N Street, Room A-114  
Sacramento, CA 95814  
Telephone No.: (916) 698-3276  
Fax No.: (916) 653-4249  
E-mail address: [trodgers@cdfa.ca.gov](mailto:trodgers@cdfa.ca.gov)

The backup contact person is:

Name: Nancy Grillo, Associate Analyst  
Address: Department of Food and Agriculture  
Animal Health and Food  
Safety Services  
1220 N Street, Room A-114  
Sacramento, CA 95814  
Telephone No.: (916) 651-7280  
Fax No.: (916) 653-4249  
E-mail address: [ngrillo@cdfa.ca.gov](mailto:ngrillo@cdfa.ca.gov)

Written comments, facsimiles or e-mails regarding this proposal are to be addressed to the following:

Name: Thami Rodgers, Associate Analyst  
Address: Department of Food and Agriculture  
Animal Health and Food  
Safety Services  
1220 N Street, Room A-114  
Sacramento, CA 95814  
Telephone No.: (916) 698-3276  
Fax No.: (916) 653-4249  
E-mail address: [trodgers@cdfa.ca.gov](mailto:trodgers@cdfa.ca.gov)

Website Access: Materials regarding this proposal can be found at <http://www.cdfa.ca.gov>

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture proposes to in Division 4, Chapter 4, Subchapter 5, amend Article 3 and Sections 3651(c)(1), 3655(c)(1), 3658 and 3662 of the regulations in Title 3 of the California Code of Regulations pertaining to Pierce's Disease Control Program.

A public hearing concerning the proposed action will be held on Tuesday, September 9, 2003 at 10:00 a.m., at the Tulare County Department of Agriculture, Agriculture Building, 2500 Burrell Avenue Visalia, California.

A representative of the Department of Food and Agriculture will preside the hearing. Any interested person, or his or her duly authorized representative,



may appear and be heard. Persons who speak are requested to register prior to the hearing. The prehearing registration will be conducted at the location of the hearing from 9:00 a.m. to 10:00 a.m. Those registered persons will be heard in the order of their registration. Any other person who wishes to speak at the hearing will be afforded such opportunity after the registered persons have been heard. The hearing will continue until there are no persons present to address the Department or until 1:00 p.m.

The Department is specifically requesting that in consideration of others, all persons attending the hearing refrain from wearing perfumes, colognes, or other scented personal care products.

If the number of preregistered persons and other participants in attendance at the hearing warrants it, the presiding officer may limit the time for each presentation in order to allow everyone wishing to speak the opportunity to be heard.

Any person, or his or her duly authorized representative, who does not wish to speak at the hearing may present written statements to the presiding officer at the hearing, or may submit written statements on or before September 8, 2003 to the agency officer named below. Following the public hearing and the written comment period, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

#### INFORMATIVE DIGEST//POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry in California and prevent the spread of injurious pests (Food and Agricultural Code, Sections 401 and 403). Existing law also provides that the Secretary may establish, maintain, and enforce such regulations, as he deems necessary, to prevent the spread of pests to protect California's agricultural industry (Food and Agricultural Code Section 5322). Sections 6045 through 6047 (Food and Agricultural Code) establish that *Xylella fastidiosa*, Pierce's disease, and its vectors present a clear and present danger to California's agricultural industry; establish a Pierce's Disease Control Program and Management Account with program funding appropriations; and establish authority for regulations to effectuate the intent of these statutes.

The proposed amendments of Article 3 and Sections 3651(c)(1) and 3655(c)(1) are changes without regulatory effect. Section 3658 establishes the list of plants that are hosts of the glassy-winged sharpshooter (GWSS), *Homalodisca coagulata*, and that have to meet the requirements for standards of movement (Section 3659) and certification (Section 3660). The

Department proposes to amend Section 3658 to add six new hosts: *Caryota* spp. (fishtail palm), *Cercidium* spp. (palo verde), *Chionanthus* spp. (fringe tree), *Leucospermum* spp. (pincushion), *Sarcococca* spp. (sweet box) and *Schlumbergera* spp. (Christmas cactus). The effect of this proposed amendment is to provide authority for the State to specifically regulate the movement of these hosts.

Section 3662 establishes the standards for movement of bulk citrus. The Department proposes to amend Section 3662 to remove the sunset clause that would become effective October 1, 2003. If the sunset clause were not removed, the language will become less specific to provide for general performance-based standards and provide that bulk citrus shall be harvested, handled, or treated in a manner approved by the Department to eliminate all live vectors or that bulk citrus shall originate from a non-infested grove as determined by surveys, including trapping and visual, approved by the Department to detect the presence of vectors and the citrus fruit are monitored during harvest. The effect of this amendment is to retain the current specific standards for movement of bulk citrus to ensure that the shippers of bulk citrus can easily understand the requirements necessary to comply with the regulations to prevent the spread of the GWSS.

The intent of the regulations is to control Pierce's disease by preventing the artificial spread of the GWSS to non-infested areas to protect California's agricultural industry. There is no existing, comparable federal regulation or statute.

#### COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Sections 3658 and 3662 do impose a mandate on local agencies, but not on school districts. Reimbursement will be made for costs resulting from this mandate from the Pierce's Disease Management Account established by the Legislature to combat Pierce's disease and its vectors. The Legislature authorized these funds to be allocated to those local public entities that develop Pierce's disease work plans that conform to statutory standards and are approved by the Department of Food and Agriculture.

The Department has also determined that the amended regulation will involve no additional costs or savings to any state agency because funds for state costs are already appropriated, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable savings to local agencies or costs or savings to school districts under Section 17561 of the Government Code, funds for reimbursement for costs to local agencies have already been appropriated, and no costs or savings in federal funding to the State.

#### EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

#### NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

The Department has made an initial determination that the proposed action may have an adverse impact on some California businesses, including the ability of California businesses to compete with businesses in other states. These impacts would not be statewide and may only affect some of those businesses located within the GWSS infested areas. The economic impact on those California businesses is not expected to be significantly adverse when balanced against the protection provided to those businesses from costs or losses due to Pierce's disease or GWSS.

#### COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impact of the emergency adopted regulation on a representative private person or business may be significant. A representative person or business could incur average costs of approximately \$1,896 per year in reasonable compliance with the proposed action. The actual costs will vary with the type and size of the affected businesses.

#### ASSESSMENT

The Department has made an assessment that the proposed amendments to the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

#### ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### AUTHORITY

The Department amended Sections 3658 and 3662 pursuant to the authority vested by Sections 407 and 6047 of the Food and Agricultural Code of California.

#### REFERENCE

The Department amended Sections 3658 and 3662 to implement, interpret and make specific Section 6045 of the Food and Agricultural Code of California.

#### EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

#### CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: [sbrown@cdfa.ca.gov](mailto:sbrown@cdfa.ca.gov). In his absence, you may contact Kris Peebles at (916) 654-1017. Questions regarding the substance of the proposed regulations should be directed to Stephen S. Brown.

#### INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website ([www.cdfa.ca.gov/cdfa/pendingregs](http://www.cdfa.ca.gov/cdfa/pendingregs)).

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

#### TITLE 4. STATE ATHLETIC COMMISSION

**NOTICE IS HEREBY GIVEN** that the California State Athletic Commission (hereinafter "commission") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held in Los Angeles at Embassy Suites—LAX South,

1440 East Imperial Avenue, El Segundo, California 90245 at 9:00 a.m. on Thursday, September 18, 2003. Written comments must be received by the commission at its office at 1424 Howe Avenue, Suite 33, Sacramento, California, 95825 not later than 5:00 p.m. on September 17, 2003 or must be received by the commission at the hearing. Written comments may also be faxed to this phone number (916) 263-2197 or e-mailed to this e-mail address [Robert\\_Lynch@dca.ca.gov](mailto:Robert_Lynch@dca.ca.gov) The California State Athletic Commission, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

#### AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 18611 of the Business and Professions Code, and to implement, interpret or make specific Sections 18640 of said Code, the California State Athletic Commission is considering changes to Division 2 of Title 4 of the California Code of Regulations as follows:

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 18611 of the Business and Professions Code authorizes the commission to adopt, amend, or repeal, regulations as may be necessary to carry out the laws relating to boxing and martial arts.

Amend Sections : 352

This proposal would apply the Athletic Commission's minimum suspension time period for all boxers who are knocked out or technically knocked out regardless of in what jurisdiction the knockout occurs.

#### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The commission has made an initial determination that the proposed regulatory action would have no significant statewide adverse

economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The commission has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Persons or Business: The commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

#### EFFECT ON SMALL BUSINESS

The commission has determined that the proposed regulations would not affect small businesses because it will only affect licensed professional boxers.

#### CONSIDERATION OF ALTERNATIVES

The commission must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The commission has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California State Athletic Commission at 1424 Howe Avenue Suite 33, Sacramento, California 95825.

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.



#### CONTACT PERSON

Inquiries concerning the proposed administrative action may be addressed to:

Name: Robert Lynch  
Address: 1424 Howe Avenue, Suite 33  
Sacramento, California 95825  
Telephone No: (916) 263-2195  
Fax No: (916) 263-2197  
E-Mail Address': [Robert\\_Lynch@dca.ca.gov](mailto:Robert_Lynch@dca.ca.gov)  
Name: Jessica Finch  
Address: 1424 Howe Avenue, Suite 33  
Sacramento, California 95825  
Telephone No: (916) 263-2195  
Fax No: (916) 263-2197  
E-Mail Address': [Jessica\\_Finch@dca.ca.gov](mailto:Jessica_Finch@dca.ca.gov)

Inquiries concerning the substance of the proposed regulations may be directed to Rob Lynch or Jessica Finch at (916) 263-2195.

Website Access: Materials regarding this proposal can be found at [www.dca.ca.gov/csac](http://www.dca.ca.gov/csac).

## TITLE 5. BOARD OF EDUCATION

### NOTICE OF PROPOSED RULEMAKING

#### Alternative Schools Accountability Model (ASAM)

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

#### PUBLIC HEARING

The State Board will hold a public hearing beginning at **9:00 a.m. on Tuesday, September 9, 2003**, at 1430 N Street, Room 6303, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Adoption Coordinator of such intent. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. No oral statements will be accepted subsequent to this public hearing.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Adoption Coordinator. The written comment period ends at **5:00 p.m. on Monday, September 8, 2003**. The Board will consider only written comments received by the Regulations Adoption Coordinator or

at the Board Office by that time (in addition to those comments received at the public hearing). Written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Adoption Coordinator  
California Department of Education  
LEGAL DIVISION  
1430 N Street, Room 5319  
Sacramento, California 95814  
E-mail: [dstrain@cde.ca.gov](mailto:dstrain@cde.ca.gov)  
Telephone : (916) 319-0641

#### AUTHORITY AND REFERENCE

Authority: Section 33031, Education Code.  
Reference: Section 52052, Education Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board proposes to adopt Article 5 and Sections 1068–1074 in Title 5 of the California Code of Regulations (CCR). This article and sections concern requirements for administering, scoring, and reporting locally adopted pre-post assessments by schools that are registered in the Alternative Schools Accountability Model (ASAM) and have chosen to adopt a pre-post assessment instrument as an indicator of achievement for use in the ASAM.

The proposed regulations are intended to assure that the pre-post assessments are administered, scored, and reported in a consistent, reliable, valid, and fair manner statewide.

Section 1068 specifies that Article 5 applies only to schools that are registered in the Alternative Schools Accountability Model (ASAM) and have chosen to adopt a pre-post assessment instrument as an indicator for use in the ASAM.

Section 1069 defines the meaning of "Pre-post assessment instrument," "Pre-test," "Post-test," "ASAM test site coordinator," "Test Administrator," and "Long-term student," as they are used in Article 5.

Section 1070 requires the ASAM test site coordinator to oversee the administration of all pre-post assessment instruments and to ensure that the instructions provided in the publisher's assessment administration manual are followed.

Section 1071 states that any certificated employee of a school district trained in the administration of the pre-post assessment instruments, or a trained paraprofessional employee of the school district under the direct supervision of a trained certificated employee, may administer the pre-post assessment instrument.

Section 1072 is designed to ensure the security of the pre-post assessment instruments. It requires ASAM test site coordinators to sign the ASAM Pre-Post Assessment Security Agreement acknowledging that the pre-post assessment instruments are

secure, and agreeing to safeguard them in specified ways. This section also requires all persons having access to pre-post assessment instruments to sign the ASAM Pre-Post Assessment Security Affidavit. The affidavit requires signatories to acknowledge that they will have access to the ASAM pre-post assessment instruments, that they understand that the materials are highly secure, and that it is their professional responsibility to protect the security of the assessment instruments in specified ways.

Section 1073 requires the ASAM site to coordinator supervise all scoring of pre-post assessment instruments that is done at the school site or district office and to monitor the contract for any scoring activities carried out by an external contractor. This section also specifies that all scoring must be done following the instructions and using the answer keys provided by the test publisher.

Section 1074 requires school districts that have adopted a pre-post assessment instrument to collect specified information for each long-term student enrolled in the school and submit the results to CDE or its designee by July 31 each year for purposes of aggregate analyses only.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Costs to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Affect on small businesses: The regulations and proposed amendments have no affect on small businesses because they relate only to internal school

district student testing practices, and do not relate to small business practices, nor to interactions between school districts and small businesses.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations should be directed to:

Sue Bennett  
California Department of Education  
Education Support Systems Division  
660 J Street, Suite 400  
Sacramento, CA 95814  
E-mail: [sbennett@cde.ca.gov](mailto:sbennett@cde.ca.gov)  
Telephone: (916) 322-5015

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to the Regulations Adoption Coordinator, or to the backup contact person, Najia Rosales, Analyst, at (916) 319-0584.

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Adoption Coordinator at the above address.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications which are sufficiently related to

the originally proposed text, the modified text (with changes clearly indicated) available to the public for at least 15 days before the State Board adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Adoption Coordinator at the address indicated above. The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Adoption Coordinator at the above address.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's website at <http://www.cde.ca.gov/regulations>.

### TITLE 5. BOARD OF EDUCATION

#### NOTICE OF PROPOSED RULEMAKING

##### California High School Exit Examination

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

#### PUBLIC HEARING

The State Board will hold a public hearing beginning at **3:00 p.m. on Monday, September 8, 2003**, at 1430 N Street, Room 1101, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Adoption Coordinator of such intent. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. No oral statements will be accepted subsequent to this public hearing.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Adoption Coordinator. The written comment period ends at **5:00 p.m. on Monday, September 8, 2003**.

The Board will consider only written comments received by the Regulations Adoption Coordinator or at the Board Office by that time (in addition to those comments received at the public hearing). Written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Adoption Coordinator  
California Department of Education  
LEGAL DIVISION  
1430 N Street, Room 5319  
Sacramento, California 95814  
Telephone : (916) 319-0641  
E-mail: [dstrain@cde.ca.gov](mailto:dstrain@cde.ca.gov)

#### AUTHORITY AND REFERENCE

Authority: Section 33031, Education Code.

Reference: Sections 48980, 49068, 52504, 56101, 56365, 60850, 60851, and 60855, Education Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The State Board of Education proposes to adopt amendments to Sections 1200 to 1225 in Title 5 of the California Code of Regulations (CCR). These sections concern the administration of the California high school exit examination (CAHSEE) that require each pupil completing grade 12 or adult school student to successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school. These sections also concern the administration of the examination in each public school and state special school that provides instruction in grades 10, 11, and 12. Education Code section 33031 authorizes the State Board of Education to adopt regulations to implement, interpret and make specific these requirements.

Senate Bill 2 was enacted in June 1999 to establish the CAHSEE. The examination is offered in English/language arts and mathematics and is aligned to state content standards in these content areas.

In October 2002, Education Code section 60851 was amended effective January 1, 2003, which requires the revision and addition of regulations to clarify the underlying statute. Senate Bill (SB) 2 was enacted in June 1999. In October of 2002, Education Code section 60851 was amended by Senate Bill 1476 and will become effective January 1, 2003. In addition, the previously adopted regulations for CAHSEE have been revised twice, thus existing regulations were reviewed in total to ensure that all sections are consistent with each other, and to address new issues and the new amendments to Section 60851.

The purpose of the proposed regulations is to guide districts and schools in the administration of the high school exit examination, including but not limited to definitions, data requirements, test security, and apportionment.



Section 1200 provides definitions. Sections 1203 to 1211.5 deal with administration issues, such as responsibilities of district and school test coordinators and test security. Sections 1215 to 1219.5 address accommodations, modifications and waivers for special needs students. Section 1220 specifies how cheating during test administration will be handled. Section 1225 describes how funds will be apportioned to school districts.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Costs to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Affect on small businesses: The proposed regulations will have no effect on small businesses because they only relate to the administration of the high school exit exam in public schools. The proposed regulations do not impose additional workload on small businesses or contractors funded by the Department.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to

the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations should be directed to:

Jan Chladek, Manager  
California Department of Education  
Standards and Assessment Division  
1430 N Street, Suite 5408  
Sacramento, CA 95814  
E-mail: [jchladek@cde.ca.gov](mailto:jchladek@cde.ca.gov)  
Telephone: (916) 319-0575

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to Regulations Adoption Coordinator, or to the backup contact person, Najia Rosales, Analyst, at (916) 319-0584.

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Adoption Coordinator at the above address.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications which are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) available to the public for at least 15 days before the State Board adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Adoption Coordinator at the address indicated above. The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Adoption Coordinator at the above address.

## AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's website at <http://www.cde.ca.gov/regulations>.

## TITLE 5. BOARD OF EDUCATION

### NOTICE OF PROPOSED RULEMAKING

#### No Child Left Behind Teacher Requirements

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

#### PUBLIC HEARING

The State Board will hold a public hearing beginning at **1:00 p.m. on Tuesday, September 9, 2003**, at 1430 N Street, Room 1101, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Adoption Coordinator of such intent. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. No oral statements will be accepted subsequent to this public hearing.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Adoption Coordinator. The written comment period ends at **5:00 p.m. on Monday, September 8, 2003**. The Board will consider only written comments received by the Regulations Adoption Coordinator or at the Board Office by that time (in addition to those comments received at the public hearing). Written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Adoption Coordinator  
California Department of Education  
LEGAL DIVISION  
1430 N Street, Room 5319  
Sacramento, California 95814  
Telephone : (916) 319-0641  
E-mail: [dstrain@cde.ca.gov](mailto:dstrain@cde.ca.gov)

## AUTHORITY AND REFERENCE

Authority: Section 12001, Education Code.

Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Federal law under No Child Left Behind Act (NCLB) requires that all teachers of core academic subjects meet the federal definition of "highly qualified teacher" no later than the end of the 2005–2006 school year. Schools that receive Title I funds are currently required to hire only teachers that meet the federal definition of "highly qualified teacher." Core academic subjects include English, reading, language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography (NCLB Section 9101).

While federal law defines the requirements for "highly qualified teacher," some details regarding how the definition is applied in each State must also be determined. Existing State law and these proposed regulations are intended to provide the detail necessary to meet the NCLB Teacher Requirements in California.

Specifically, these proposed regulations identify the "rigorous state test" that federal law requires each new to the profession elementary teacher pass, and outlines the "high objective uniform state standard evaluation" that can be used to qualify not new to the profession teachers as "highly qualified." The proposed regulations also define several key phrases to assist school district in complying with the federal law.

## DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Costs to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Affect on small businesses: The regulations and proposed amendments have no affect on small businesses because they do not relate to small business practices or to interactions between school districts and small businesses.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations should be directed to:

Tom Lugo, Administrator  
Professional Development Unit  
1430 N Street  
Sacramento, CA 95814  
Telephone: (916) 323-6390

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to the Regulations Adoption Coordinator, or to the backup contact person, Najia Rosales, Analyst, at (916) 319-0584.

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Adoption Coordinator at the above address.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications which are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before the State Board adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Adoption Coordinator at the address indicated above. The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Adoption Coordinator at the above address.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's website at <http://www.cde.ca.gov/regulations>.

### TITLE 9. DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

#### Amendments to Driving under the Influence Regulations Contained in Chapter 3, Division 4

#### SATELLITE LOCATIONS, ADMINISTRATIVE REVIEW, AND PROGRAM FEES

Notice of Rulemaking and Public Comment Period

NOTICE IS HEREBY GIVEN that the California Department of Alcohol and Drug Programs proposes to amend Driving Under the Influence (DUI) Program regulations contained in Chapter 3, Division 4, Title 9, California Code of Regulations (CCR).

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Chapter 3, Division 4, Title 9, CCR, currently contains regulations for licensure of DUI programs. This regulatory action amends Chapter 3 as stated below:



- Section 9800 is amended to include a definition of “satellite location”.
- Section 9802 is amended to state that a separate license is required for each location where DUI program services are provided, except for satellite locations and whenever there is a sale, transfer, or other change in ownership.
- Section 9807 is adopted to establish requirements for application to provide DUI services at a satellite location.
- Section 9822, which establishes requirements for licensing fees, has been deleted from Section 9878(n) and readopted as new Section 9822 for clarity and to make it more reader-friendly.
- Section 9830, regarding administrative review of fines and civil penalties, is repealed and replaced by new Section 9836, which provides an administrative appeal process for all licensing actions.
- Section 9834, regarding revocation of licensure, is repealed and replaced by new Section 9834, which is consistent with the Administrative Hearing Act.
- Section 9836, regarding licensure appeals, is repealed and replaced by new Section 9836, which provides an administrative appeal process for all licensing actions.
- Section 9878 establishes requirements for increasing program participant fees. Subsection 9878(n) has also been deleted and renumbered as Section 9822 for clarity to make it more reader-friendly.

#### AUTHORITY

This regulation is being adopted pursuant to Sections 11755 and 11836.16 of the Health and Safety Code.

#### REFERENCE

The statutory references for this regulatory action is Sections 11836.16 of the Health and Safety Code.

#### FISCAL IMPACT STATEMENTS

The Department does not anticipate any cost associated with implementation of these regulations because the regulations do not expand the scope of the implementing statutes. Any costs would be associated with implementation of the statutes rather than with implementation of the regulations themselves.

Costs or Savings in Federal Funding to the State: No costs or savings are anticipated.

Costs or Savings to Any State Agency: No costs or savings are anticipated.

Costs or Savings to Any Local Agency or School District: No costs or savings are anticipated.

Nondiscretionary Costs or Savings Imposed on Local Agencies: This regulatory action will not result in any nondiscretionary costs or savings to local agencies.

Local Mandate Determination: The Department has determined that this regulatory action will not impose any new mandates on school districts or other local governmental agencies or any mandates which must be reimbursed by the State pursuant to Part 7 (commencing with Section 17500), Division 4 of the Government Code.

Cost Impacts on Representative Private Persons or Businesses: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Business: The Department does not anticipate any adverse economic impact on business because these regulations do not expand the scope of the implementing statutes.

The Department has made an initial determination that this regulatory action will not have a significant statewide adverse economic impact directly affecting businesses. This regulatory action will not affect the ability of California businesses to compete with businesses in other states. This regulatory action will not affect the creation or elimination of jobs, the creation of new businesses, the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

Effect on Small Businesses: The proposed regulatory action will affect small businesses because many DUI programs are small businesses as defined in Government Code Section 11342.610. The Department has determined that this regulatory action will result in no cost or savings to small businesses because the regulations do not expand the scope of the implementing statutes.

Effect on Housing Costs: This regulatory action will not effect housing costs in any way.

#### WRITTEN COMMENT PERIOD

Any interested person or his authorized representative may submit written comments on the proposed regulatory action. **The written comment period closes at 5 p.m. on September 8, 2003.** Please submit any written comments before that time. The Department cannot accept written comments after the close of the public comment period. Please send written comments to Mary Conway, Regulations Coordinator, Department of Alcohol and Drug Programs, 1700 K Street, Sacramento, CA 95814. Comments may also be submitted by fax at (915) 323-5873 or e-mail at [MCONWAY@ADP.STATE.CA.US](mailto:MCONWAY@ADP.STATE.CA.US).

#### SCOPE OF TESTIMONY

Section 11346.8(c) of the Government Code prohibits the Department from making any changes to the text of a noticed regulation after the public hearing, unless the change was so sufficiently related to the original text that the public was adequately placed on

notice that the change could result from the originally proposed action. Therefore please make your comments specific to the regulation discussed in this notice. Please indicate the number of the section you would like changed, the specific change requested, and the reason why you would like the section changed. Since the Department cannot make changes to sections of regulation which were not mentioned in this public notice, during the public comment period the Department will not consider testimony regarding changes which are outside the scope of this notice. If you wish to request the Department to amend, adopt, or repeal additional sections of regulation, the Department is required to consider those changes in a separate regulatory action.

#### PUBLIC HEARING

The Department has not scheduled a public hearing on the proposed regulatory action. However, if any person wishes to submit oral comments, the Department will schedule a public hearing upon receipt of that person's written request. Such request must be received at the address shown above no later than 15 days prior to the close of the written comment period.

#### CONSIDERATION OF ALTERNATIVES

Pursuant to Section 11346.5(a)(13) of the Government Code, the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which this regulatory action was taken. The Department must also determine that no alternative would be as effective and less burdensome to affected private persons than the regulatory action taken. The Department will consider any alternatives presented during the public comment period.

#### ADDITIONAL CHANGES

The Department may modify the proposed regulation in response to testimony received during the 45-day public comment period, so long as any additional changes made are sufficiently related to the proposed regulatory action and within the scope of this notice. The Department will make available to any interested persons, for at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation, the full text of any regulation which is changed or modified from the express terms to this regulatory action. The Department will mail a copy of the additional changes to any person who testified or submitted comments during the public hearing (if one is requested), who submitted written comments during the 45-day public comment period, or who requested copies of additional changes. Please

call the Department's regulations coordinator at (916) 327-4742 if you wish to receive a copy of any additional changes and you do not plan to present comments regarding the proposed regulatory action.

#### AVAILABILITY OF TEXT OF REGULATIONS AND INITIAL STATEMENT OF REASONS

The Department has prepared and has available for review upon request the text of the proposed regulations discussed in this notice, written in plain English; an initial statement of reasons, explaining the necessity for each regulatory change; and all the information upon which the proposed regulations were based. To obtain a copy, please call Mary Conway at (916) 327-4742 or write to her at the address shown on the first page of this notice. If you received this public notice in the mail, the text of the proposed regulation and the initial statement of reasons were enclosed. The proposed regulations and initial statement of reasons are also available on the Department's web site at <http://www.adp.ca.gov>.

#### PERSON TO CONTACT FOR ADDITIONAL INFORMATION

The Department's contacts for this regulation package are Mary Conway, the Department's Regulations Coordinator, at (916) 327-4742, and Roger Thompson, Manager, DUI Branch, at (916) 327-5693. Please direct questions regarding the policy contained in the regulations to Roger Thompson.

#### FINAL STATEMENT OF REASONS

After the close of the 45-day public comment period, the Department will summarize and respond to all public comments in a written final statement of reasons. To obtain a copy of the final statement of reasons, please call Mary Conway at (916) 327-4742. The final statement of reasons will also be posted on the Department's web site at <http://www.adp.ca.gov>.

### TITLE 16. BOARD OF BEHAVIORAL SCIENCES

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the action.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on September 8, 2003.

The Board does not currently intend to hold a hearing on this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the Board. The request must be received

in the Board office no later than 15 days prior to the close of the written comment period.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

#### AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 4980.60 and 4990.14 of the Business and Professions Code, and to implement, interpret or make specific Sections 4980.41, 4980.80, 4980.90, 4996.2, and 4996.17, the Board is considering changes to Division 18 of Title 16 of the California Code of Regulations as follows:

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Section 1810.

Business and Professions Code Sections 4980.41, 4980.80, 4980.90, 4996.2, and 4996.17 require that applicants pursuing a Marriage and Family Therapist license with education and experience from another state or a Licensed Clinical Social Work license complete training or coursework in alcoholism and other chemical substance dependency. Existing Regulation Section 1810 specifies the minimum hours of training needed for applicants, the content of the training, and the educational providers from which this alcoholism and other chemical substance dependency training may be obtained.

This proposal will expand the selection of acceptable entities from whom applicants may obtain the required training or coursework in alcoholism and other chemical substance dependency. This will allow applicants a wider selection of sources in order to fulfill this requirement. Additionally, this proposal will reformat the regulation language to provide a clearer understanding of the requirements and amend the regulation section title to accurately reflect that, in addition to alcoholism, "other chemical substance dependency" training is also a requirement for licensure.

#### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

#### AND

The following studies/relevant data were relied upon in making the above determination: None

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Persons or Business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

#### EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulatory action would affect small businesses. This proposed regulatory action will benefit small businesses by allowing them to offer the required alcoholism and other substance dependency training to applicants.

#### CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments in writing relevant to the above determinations to the address listed under Contact Person.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, the initial statement of reasons, and all of the information upon which the proposal is based may



be obtained upon request from the Board of Behavioral Sciences at 400 R Street, Suite 3150, Sacramento, California 95814.

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared by making a written request to the contact person named below or by accessing the website listed below.

#### CONTACT PERSON

General or substantive inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Julie McAuliffe  
Address: 400 R Street, Suite 3150  
Sacramento, CA 95814  
Telephone No.: 916-445-4933, extension 1142  
Fax No.: 916-323-0707  
E-Mail Address: BBSWebMaster@bbs.ca.gov

The backup contact person is:

Name: Sherry Mehl  
Address: 400 R Street, Suite 3150  
Sacramento, CA 95814  
Telephone No.: 916-445-4933  
Fax No.: 916-323-0707  
E-Mail Address: BBSWebMaster@bbs.ca.gov

Website Access: Materials regarding this proposal can be found at [www.bbs.ca.gov](http://www.bbs.ca.gov).

## TITLE 21. DEPARTMENT OF TRANSPORTATION

### NOTICE OF PROPOSED RULEMAKING

The California Department of Transportation ("Department") and the California Transportation Commission ("CTC") propose to adopt the amended regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

### PROPOSED REGULATORY ACTION

The Department and CTC propose to revise their "Environmental Regulations" Sections 1501 through 1513.2 (not consecutive), Chapter 11, Division 2 in Title 21 of the California Code of Regulations (CCR). These sections are the regulations adopted by the Department and the CTC to implement the California Environmental Quality Act of 1970 pursuant to Section 21082 of the Public Resources Code.

### PUBLIC HEARING

The Department and the CTC have not scheduled a public hearing on this proposed action. However, pursuant to Government Code Section 11346.8, a public hearing will be held if a written request for a public hearing from any interested person, or his or her authorized representative, is received no later than 15 days before the close of the written comment period.

### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. The written comment period closes at 5:00 p.m. on September 8, 2003. The Department will consider comments received at the Department offices by that time. Submit comments to:

Denise O'Connor  
Environmental Program—Mail Station 27  
California Department of Transportation  
1120 N Street  
P.O. Box 942874  
Sacramento, CA 94274-0001  
Fax Number (916) 653-7757

### AUTHORITY AND REFERENCE

Public Resources Code Section 21082 authorizes the Department and the CTC to adopt the proposed regulations, which implement Sections 21000 through 21174 of the Public Resources Code. The implementing regulations for the Department and the CTC are codified in the California Code of Regulations, Title 21, Division 2, Chapter 11, Sections 1501 through 1512.3 (not consecutive).

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department and the CTC propose to amend the California Code of Regulations, Title 21, Division 2, Chapter 11, Sections 1501 through 1512.3 (not consecutive). These regulations were adopted by the Department and the CTC to implement the California Environmental Quality Act ("CEQA"), which is codified in the Public Resources Code Sections 21000 to 21174.

The purpose of the proposed amendments is to clarify the role of the CTC in cases where the Department or another public agency is the lead agency for CEQA. Changes in the funding and development of transportation projects on the state highway system necessitate revisions to the sections regarding the CTC's roles, responsibility, and procedures under CEQA.

Section 1503.1 sets forth the CTC policies regarding the use of environmental documents. The proposed amendment would add a new subsection that clarifies

that the CTC reviews and considers environmental documents and findings as part of its responsibilities to allocate funding for state or local capital projects and to approve the location of state highway routes.

Section 1505 deals with general responsibilities. The amendment would change the Article heading to Procedures and Timelines and would clarify the materials to be submitted to the CTC for its review.

Sections 1504 and 1504.5 define general terms, such as “agency” and “decision making body.” Section 1504.5 further states that the CTC will be lead agency for purposes of adopting or rescinding State highway routes and new public road connections to freeways and expressways. These sections would be deleted.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department and the CTC have made the following initial determinations:*

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Cost or savings in federal funding to the state: None.
- Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.
- Cost impacts on a representative private person or business: The Department and the CTC are not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Adoption of these regulations will not:
  - (1) create or eliminate jobs within California
  - (2) create new businesses or eliminate existing businesses within California; or
  - (3) affect the expansion of businesses currently doing business within California.
- Significant effect on housing costs: None.

#### *Small Business Determination*

The Department and the CTC have determined that the revision of these regulations will have no cost impact on small businesses because a small business: 1) is not legally required to comply with the regulation; 2) is not legally required to enforce the regulation; 3) does not derive a benefit from the enforcement of the regulation; or 4) does not incur a detriment from the enforcement of the regulation.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department and the CTC must determine that no alternative considered by them would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Department and the CTC invite interested persons to present statements or arguments with respect to alternatives to the proposed action at any hearing that may be requested or during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the proposed administrative actions may be directed to:

Ms. Denise O'Connor  
Environmental Program—Mail Station 27  
California Department of Transportation  
1120 N Street, Room 4331  
P.O. Box 942874  
Sacramento, CA 94274-0001  
Telephone: (916) 653-5157  
ATSS 8-453-5157

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED AMENDMENT / INTERNET ACCESS

Pursuant to Government Code Section 11346.5, an initial statement of reason and the text (“express terms”) of the proposed regulations have been prepared and are available from the contact person named in this notice. The Department and the CTC will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the amended regulations, and the initial statement of reasons. The documents relating to this proposed action may be found on the Department’s website at the following address: <http://www.dot.ca.gov/ser>.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After any hearing and considering all timely and relevant comments received, that Department and the CTC may adopt the proposed regulations substantially described in this notice. Pursuant to Government Code Section 11346.8, if the Department and the CTC make modifications which are substantially related to the originally proposed text, the modified text—with changes clearly indicated—will be made available to the public for at least 15 days before the Department and the CTC adopt the regulations as revised. Any

such modifications will also be posted on the Department's website. Requests for copies of any modified regulations to the attention of Denise O'Connor at the address indicated above. The Department and the CTC will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, the final statement of reasons may be obtained by contacting Ms. Denise O'Connor at the above address. The final statement of reasons will also be posted on the Department's website at <http://www.dot.ca.gov/ser>.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of this notice, the initial statement of reasons and the text of the regulations in underline and strikeout can be accessed through the Department's website at <http://www.dot.ca.gov/ser>.

### TITLE 22. DEPARTMENT OF HEALTH SERVICES

#### ACTION

Notice of Proposed Rulemaking  
Title 22, California Code of Regulations

#### SUBJECT

Licensed Midwives, **R-12-00**

#### PUBLIC PROCEEDINGS

Notice is hereby given that the California Department of Health Services will conduct written public proceedings, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions relevant to the action described in this notice.

#### COMMENTS

Any written statements, arguments or contentions (hereafter referred to as comments) must be received by the Office of Regulations, Department of Health Services, by 5 p.m. on September 8, 2003, which is hereby designated as the close of the written comment period. It is requested but not required that written comments sent by mail or hand-delivered be submitted in triplicate.

**Note: DHS has moved to a new location. The U.S. Postal Service requires the use of the P.O. Box for mailed items.**

Hand Delivery: Department of Health Services  
Office of Regulations  
1501 Capitol Avenue  
MS 0015  
Sacramento, CA

Mail Delivery: Department of Health Services  
Office of Regulations  
MS 0015  
P.O. Box 942732  
Sacramento, CA 94234-7320

Comments may be transmitted by email ([regulation@dhs.ca.gov](mailto:regulation@dhs.ca.gov)), through the "Making Comments" link on the Department website at <http://www.dhs.ca.gov/regulation/>, by regular mail, or by FAX to (916) 440-7714. Comments must be received before 5 p.m. on September 8, 2003, the close of the written comment period. All comments, including email, website, or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes in the regulation text on which additional comments may be solicited.

#### CONTACTS

**In any of the following inquiries, please identify the action by using the Department regulation control number, R-12-00.**

Materials regarding the proposed regulations (including this public notice, the proposed regulations, and the Initial Statement of Reasons) that are available via the Internet may be accessed at <http://www.dhs.ca.gov/regulation/> and then by clicking on the "Search Regulations" button.

1. In order to request a copy of this regulation package be sent to you, please call (916) 440-7695 or send an email to: [regulation@dhs.ca.gov](mailto:regulation@dhs.ca.gov).
2. Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Gail Meeks of Medi-Cal Benefits Branch at (916) 657-0564.
3. All other inquiries concerning the action described in this notice may be directed to Marylyn Willis, R.N. of the Office of Regulations, or to the designated backup contact person, Barbara Gallaway, R.N., MSN; both can be reached at (916) 440-7695.

Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD.

INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

These proposed non-emergency regulations implement Welfare and Institutions Code, Section 14132.39, which provides that midwifery services rendered by a licensed midwife shall be a covered benefit under the Medi-Cal program to the extent that federal financial participation is available, and subject to utilization controls.

These regulations propose to amend Sections 51051 and 51476, and adopt Sections 51191, 51192, 51255, 51356 and 51504.1, Title 22, California Code of Regulations (CCR), to add "Licensed Midwife" as a Medi-Cal provider, define "Licensed Midwife" and "Licensed Midwife Services," specify the maximum number of licensed midwives that may be supervised by a physician, and establish the physician supervision requirements. These regulations propose to establish standards of participation and scope and duration of services for licensed midwives. Further, these regulations propose to specify the requirement for the countersignature of the supervising physician on records of services rendered by a licensed midwife and the method of reimbursement for licensed midwife services.

AUTHORITY

10725, 14043.75, 14100.1, 14015, 14105, 14105.35 and 14124.5, Welfare and Institutions Code; Section 87, Chapter 1594, Statutes of 1982; Section 13, Chapter 502, Statutes of 1990; and Section 78, Chapter 146, Statutes of 1999.

REFERENCE

14043, 14043.1, 14100.1, 14105, 14105.3, 14107, 14115.6, 14124.1, 14124.2, 14124.5, 14132, 14132.4, 14132.39, 14132.41, 14133, 14133.3, 14132.44, 14134.5 and 14170, Welfare and Institutions Code; Sections 550-558, 1206 and 2505-2521, Business and Professions Code; Sections 1250(k) and 24522, Health and Safety Code; Section 33, Chapter 456, Statutes of 1990; and Section 263a, Title 42, United States Code.

FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: None
- B. Fiscal Effect on State Government: None
- C. Fiscal Effect on Federal Funding of State Programs: None
- D. All cost impacts, known to the Department at the time the notice of proposed action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the emergency action:  
The Department is not aware of any cost impacts that a representative private person or business

would necessarily incur in reasonable compliance with the proposed action.

- E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None

DETERMINATIONS

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The Department has made an initial determination that the regulations would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

The Department has determined that the regulations would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.
- (3) The expansion of businesses currently doing business within the State of California.

The Department has determined that the regulations would affect small businesses.

The Department has determined that the regulations will have no impact on housing costs.

AVAILABILITY OF STATEMENT OF REASONS  
AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. A copy of the initial statement of reasons and a copy of the text of the proposed regulations are available upon request by writing to the Office of Regulations at the address noted above, which will also be the location of public records, including reports, documentation, and other material related to the proposed regulations (the rulemaking file). Additionally, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations at the address noted above. Materials regarding the proposed regulations that are available via the Internet may be accessed at <http://www.dhs.ca.gov/regulation/>.



#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

#### ADDITIONAL STATEMENTS AND COMMENTS

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed action.

No hearing has been scheduled; however, any interested person or his or her duly authorized representative may request, in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8.

Sign language interpreting services at a public hearing or other reasonable accommodation will be provided upon request. Such request should be made no later than 21 days prior to the close of the written comment period, and addressed to the Office of Civil Rights within the Department of Health Services, by phone (916-440-7370); FAX (916-440-7395); TDD (916-440-7399); or email (civilrights-ra@dhs.ca.gov).

### TITLE 25. CALIFORNIA HOUSING FINANCE AGENCY

#### NOTICE OF PROPOSED RULEMAKING

The California Housing Finance Agency ("CalHFA") proposes to amend Sections 19200 and 19205 of Title 25 of the California Code of Regulations (CCR) after considering all comments, objections, and recommendations regarding the proposed action.

#### PUBLIC HEARING

The CalHFA has not scheduled a public hearing on this proposed action. However, the CalHFA will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the CalHFA. The

written comment period closes at 5:00 p.m. on September 8, 2003. The CalHFA will consider only comments received at the CalHFA offices by that time. Submit comments to:

Misty Miller, Legal Analyst  
Regulations Coordinator  
Office of General Counsel  
California Housing Finance Agency  
1121 L Street, Suite 300  
Sacramento, CA 95814  
Direct Dial: (916) 445-0178  
E-Mail: <MMILLER@CALHFA.CA.GOV>

#### AUTHORITY AND REFERENCE

California Health and Safety Code Section 51050(e) authorizes the CalHFA to adopt, and from time to time amend and repeal, by action of the CalHFA Board of Directors, these regulations, which would implement, interpret, make specific, or reference Sections 51652 and 51654 of the California Health and Safety Code.

The CalHFA Board of Directors has approved the proposed amendments, and has authorized the CalHFA to give public notice, conduct any required public hearing, and take such other action as may be necessary or proper for the adoption by the CalHFA of such amended regulations, as more specifically stated in CalHFA Board Resolution 03-10, adopted at a duly constituted meeting of the CalHFA Board of Directors held on January 9, 2003, at Millbrae, California.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The CalHFA proposes to amend Sections 19200 and 19205 in Title 25 of the California Code of Regulations (CCR). These sections concern loans eligible for mortgage insurance.

The CalHFA is a mortgage lender. It was established as California's affordable housing bank to make below market-rate loans through the sale of tax-exempt bonds. Its mission is to finance below market rate loans to create safe, decent and affordable rental housing and to assist first-time homebuyers in achieving the dream of homeownership.

The CalHFA Mortgage Insurance Services division provides mortgage insurance to prospective homeowners/borrowers. Mortgage insurance provides mortgage lenders with an added layer of credit protection in the event that the property owner/borrower defaults on their mortgage loan.

Restrictions and limitations in existing regulations make fewer mortgage loans eligible for CalHFA mortgage insurance. The proposed amendments would update existing regulations to enable the CalHFA to insure more mortgage loans by removing restrictions and limitations.

California Health and Safety Code Section 51654 permits the CalHFA to insure single family and multifamily loans. Section 19200 in Title 25 of the California Code of Regulations (CCR) implements this statute by further defining the type of loans that the CalHFA will insure. The regulation specifies that the CalHFA may insure its own single family and multifamily loans, and certain non-CalHFA multifamily loans. However, the regulation is outdated in that it does not specify that non-CalHFA single family loans may be insured. The CalHFA currently provides insurance for both CalHFA and non-CalHFA loans. California Health and Safety Code Section 51050(e) authorizes the CalHFA to implement, interpret and make specific these requirements.

California Health and Safety Code Section 51652 permits the CalHFA to establish loan-to-value limitations for single family and multifamily loans. Section 19205 in Title 25 of the California Code of Regulations (CCR) implements this statute by setting specific loan-to-value limits for loans that the CalHFA will insure. The regulation limits the loan-to-value ratio on CalHFA insured single family loans to 97% of value. The loan-to-value ratio is determined by adding all loans, including subordinate financing. The proposed amendment would increase the maximum loan-to-value ratio on CalHFA insured single family loans to 107% of value. Private mortgage insurers currently insure up to 103% loan-to-value. California Health and Safety Code Section 51050(e) authorizes the CalHFA to implement, interpret and make specific these requirements.

Section 19200, as amended, will increase the number of loans eligible for CalHFA mortgage insurance. The CalHFA is proposing that loans made by CalHFA and loans made by third-party lenders (non-CalHFA loans) would be eligible for CalHFA mortgage insurance.

Section 19205, as amended, will increase the maximum loan-to-value ratio on CalHFA insured single family loans. The CalHFA is proposing that CalHFA mortgage insurance for single family residences may have a maximum loan-to-value ratio of 107% of value.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

*The CalHFA has made the following initial determinations:*

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with California Government Code Sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The CalHFA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: Makes more affordable housing available.

#### *Small Business Determination*

The CalHFA has determined that the proposed amendments to regulations do not affect small business. These regulations apply only to the CalHFA for purposes of insuring mortgage loans.

#### CONSIDERATION OF ALTERNATIVES

In accordance with California Government Code Section 11346.5(a)(13), the CalHFA must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the CalHFA would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The CalHFA invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing, if any, or during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Misty Miller, Legal Analyst  
Regulations Coordinator  
Office of General Counsel  
California Housing Finance Agency  
1121 L Street, Suite 300  
Sacramento, CA 95814  
Phone: (916) 445-0178  
E-Mail: <MMILLER@CALHFA.CA.GOV>



The backup contact person for these inquiries is:  
Gail Christopherson-Schurr, Senior Legal Typist  
Office of General Counsel  
California Housing Finance Agency  
1121 L Street, Suite 300  
Sacramento, CA 95814  
Phone: (916) 322-1378  
E-Mail:

<GCHRISTOPHERSON-SCHURR@CALHFA.CA.GOV>

Questions on the substance of the proposed regulations may be directed to:

Thomas C. Hughes, General Counsel  
California Housing Finance Agency  
1121 L Street, Suite 300  
Sacramento, CA 95814  
Phone: (916) 322-1408  
E-Mail: <THUGHES@CALHFA.CA.GOV>

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Misty Miller at the address or phone number listed above.

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The CalHFA will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the California Notice Register, the rulemaking file consists of: this notice; proposed text of the amended regulations in underline and strikeout; Initial Statement of Reasons; Staff Report dated December 20, 2002 (Exhibit 1 to Initial Statement of Reasons); Resolution 03-10 approved on January 9, 2003 (Exhibit 2 to Initial Statement of Reasons); testimony presented at the public meeting on January 9, 2003 (Exhibit 3 to Initial Statement of Reasons); Fiscal Impact Statement (STD 399); Notice Publication (STD 400); 2003 Rulemaking Calendar; request for Agency Secretary signature; and Statement of Mailing Notice. Copies may be obtained by contacting Misty Miller at the address or phone number listed above.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing, if any, and considering all timely and relevant comments received, the CalHFA may adopt the proposed amendments to the regulations substantially as described in this notice. If the CalHFA makes modifications which are sufficiently related to the original proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the CalHFA adopts the amendments to the regulations as

revised. Please send requests for copies of any modified amendments to the regulations to the attention of Misty Miller at the address indicated above. The CalHFA will accept written comments on the modified amendments to the regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Misty Miller at the address or phone number listed above.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, Initial Statement of Reasons, Staff Report dated December 20, 2002 (Exhibit 1 to Initial Statement of Reasons), Resolution 03-10 approved on January 9, 2003 (Exhibit 2 to Initial Statement of Reasons), testimony presented at the public meeting on January 9, 2003 (Exhibit 3 to Initial Statement of Reasons), Fiscal Impact Statement (STD 399), Notice Publication (STD 400), 2003 Rulemaking Calendar, request for Agency Secretary signature, Statement of Mailing Notice, and proposed text of the amended regulations in underline and strikeout can be accessed through our Web site on the "About CalHFA" page at <http://www.calhfa.ca.gov/info>. Please click on the link for Rulemaking Documents under "Other Information" to view the documents available on the Internet.

## GENERAL PUBLIC INTEREST

### AIR RESOURCES BOARD

#### NOTICE OF POSTPONEMENT

#### NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF A CONTROL MEASURE FOR DIESEL PARTICULATE MATTER FROM ON-ROAD HEAVY-DUTY RESIDENTIAL AND COMMERCIAL SOLID WASTE COLLECTION VEHICLES

BY NOTICE dated May 27, 2003, and published in the June 6, 2003, California Notice Register, Register 2001, No. 23-Z, the Air Resources Board (the Board or ARB) announced it would conduct a public hearing to

consider adoption of a control measure to reduce emissions of diesel particulate matter from on-road heavy-duty residential and commercial solid waste collection vehicles. The hearing was scheduled for July 24, 2003, at 9:00 a.m., at the California Environmental Protection Agency, Air Resources Board, 1001 "I" Street, Auditorium, Second Floor, Sacramento, California.

**PLEASE BE ADVISED** that the hearing has been postponed to the following date, time and place:

DATE: **September 25, 2003**

TIME: 9:00 a.m.

PLACE: South Coast Air Quality  
Management District  
Auditorium  
21865 E. Copley Drive  
Diamond Bar, CA 91765-4182

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., September 25, 2003, and may continue at 8:30 a.m., September 26, 2003. This item may not be considered until September 26, 2003. Please consult the agenda for the meeting, which will be available at least 10 days before September 25, 2003, to determine the day on which this item will be considered.

This facility is accessible to persons with disabilities. If you have special accommodation or language needs, please contact the ARB's Clerk of the Board at (916) 322-4011, or [amalik@arb.ca.gov](mailto:amalik@arb.ca.gov) as soon as possible. TTY/TTD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

## DEPARTMENT OF FISH AND GAME

### Public Interest Notice

#### CESA CONSISTENCY DETERMINATION FOR Bryte Bend Water Treatment Plant Expansion Project Yolo County

The Department of Fish and Game ("Department") received notice on July 15, 2003 that the City of West Sacramento ("City") proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project consists of the City increasing the capacity of its Bryte Bend Water Treatment Facility from 24 million gallons per day (mgd) to 60 mgd. The City will replace three existing fish screens, add two new fish screens, and extend a pipeline along Harbor Blvd. and Industrial Blvd in West Sacramento.

The National Marine Fisheries Service issued to the U.S. Army Corps of Engineers ("Corps"), a no jeopardy federal biological opinion (SWR-01-SA-5771:JCB) which considers the Federal

and State endangered Sacramento River winter-run Chinook Salmon (*Oncorhynchus tshawytscha*) and the Federal and State threatened Central Valley spring-run Chinook Salmon (*Oncorhynchus tshawytscha*), and authorizes incidental take. The U.S. Fish and Wildlife Service issued to the Corps a no jeopardy federal biological opinion (1-1-02-F-0036) which considers the Federal and State threatened delta smelt (*Hypomesus transpacificus*), and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, the City is requesting a determination on whether the federal biological opinions SWR-01-SA-5771:JCB and 1-1-02-F-0036 are consistent with CESA.

If the Department determines that the federal biological opinions are consistent with CESA, the City will not be required to obtain an incidental take permit under CESA for the proposed project.

## DEPARTMENT OF FISH AND GAME

### CONSISTENCY DETERMINATION Fish and Game Code Section 2080.1 CESA No. 2080-2003-012-04

PROJECT: Paramount Farming Company/  
Paramount Orchards Partners IV  
("Paramount") Safe Harbor Agreement

LOCATION: Kern County

NOTIFIER: Paramount Farming Company

### BACKGROUND

On April 24, 2003, the U.S. Fish and Wildlife Service (Service) issued Endangered Species Permit number TE048469-0 to the Paramount Farming Company/Paramount Orchards Partners IV ("Paramount") authorizing incidental take of the San Joaquin kit fox (*Vulpes macrotis mutica*) during otherwise lawful activities on Paramount's 1,668 acres in Kern County, subject to compliance with and implementation of the "Safe Harbor Agreement for a San Joaquin Kit Fox Escape Den Experimental Project in Western Kern County, California," dated January 2003 ("SHA"). The kit fox is listed under the California Endangered Species Act, Fish and Game Code Sections 2050 *et seq.* ("CESA"). On June 9, 2003, the Director of the Department of Fish and Game (Department) received a notice from Paramount pursuant to section 2080.1 of the Fish and Game Code requesting a determination that the federal Endangered Species Act Permit is consistent with CESA.

Paramount's Enrolled Lands are located in Kern County, California, between the California Aqueduct and the Lost Hills oil fields. Habitat at the California

Aqueduct and Lost Hills oil Fields is considered natural or semi-natural habitat where kit fox are known to occur and successfully reproduce. In addition, radio-collared kit fox were documented foraging in agricultural lands around the Aqueduct, including Paramount's. Implementation of the proposed project entails installation and monitoring of 25 escape dens for any San Joaquin kit fox that may utilize Paramount's land as a corridor between the California Aqueduct habitat and the Lost Hills oil fields habitat. The project is expected to contribute to the recovery of the kit fox by providing places for kit fox to escape predation by coyotes, red fox, and other canid predators as the kit fox forage or move across Paramount's land. The project further seeks to improve the understanding of kit fox behavior and ecology in agricultural settings by allowing biologists from the Endangered Species Recovery Program ("ESRP") to monitor the success of the experimental dens in increasing kit fox survival and reducing predation. The Endangered Species Act Permit authorizes Paramount to take kit fox incidental to their ongoing agricultural practices during implementation of the SHA and allows Paramount to remove the escape dens after three years should they choose not to renew the SHA.

#### DETERMINATION

Based on the terms and conditions in the federal Endangered Species Permit number TE048469-0, the Department has determined that the project is consistent with CESA because it meets the conditions set forth in Fish and Game Code Section 2081(b) and (c) for authorization of incidental take of species protected under CESA. Important to the Department's findings are several measures from the federal permit, which address expected or potential impacts to San Joaquin kit fox. Measures include, but are not limited to, the following:

1. Paramount will fully implement and comply with the Safe Harbor Agreement.
2. Paramount will be responsible for ensuring compliance with the SHA by any authorized officer, employee, contractor, or agent while conducting covered activities.
3. Paramount will notify the Service and the Department within 3 working days of new locations of kit fox that are discovered within the covered area, and will report those occurrences to the California Natural Diversity Database.
4. Paramount will submit annual reports to the Service and the Department by December 31 of each year to document implementation of the SHA and fulfillment of its provisions, including: a) verification of maintenance of baseline conditions;

b) implementation of agreed upon conservation measures; and c) results of kit fox surveys and monitoring.

Pursuant to Section 2080.1 of the Fish and Game Code, incidental take authorization under CESA will not be required for incidental take of San Joaquin kit fox as a result of project activities. Any substantive changes to the project as described in the federal permit, including changes to the Safe Harbor Agreement, will require the notifier to obtain a new Consistency Determination or a CESA incidental take permit from the Department.

## PROPOSITION 65

### CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

#### SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

#### NOTICE TO INTERESTED PARTIES

#### AVAILABILITY OF DRAFT HAZARD IDENTIFICATION DOCUMENT FOR CHLORAL HYDRATE

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). The Carcinogen Identification Committee (CIC) of OEHHA's Science Advisory Board advises and assists OEHHA in compiling the list of chemicals known to the State to cause cancer, which is mandated by Health and Safety Code Section 25249.8. The Committee serves as the State's qualified experts for determining whether a chemical has been clearly shown through scientifically valid testing according to generally accepted principles to cause cancer.

The possible listing of chloral hydrate was discussed at the May 11, 1995 meeting of the CIC. At this meeting the CIC concluded that the available evidence did not, at that time, support a finding that chloral hydrate was clearly shown through scientifically valid testing according to generally accepted principles to cause cancer. However, the CIC expressed serious



concern about the extensive use of chloral hydrate especially in pediatric medicine, and lack of adequate carcinogenicity testing of the chemical. On behalf of the CIC, OEHHA urged the National Toxicology Program (NTP) and the National Center for Toxicological Research to give chloral hydrate carcinogenicity bioassays those agencies were planning the highest priority. These studies have been completed and results recently released (available from NTP at <http://ntp-server.niehs.nih.gov/htdocs/LT-studies/tr502.html>

and

<http://ntp-server.niehs.nih.gov/htdocs/LT-studies/tr503.html>). OEHHA has revised the hazard identification document on chloral hydrate originally released in March 1995 to incorporate the results of these studies. Additional studies published since 1995 and relevant to the carcinogenicity of chloral hydrate have also been incorporated into the revised hazard identification document. Today OEHHA announces the availability of the revised document, entitled: "Evidence on the Carcinogenicity of Chloral Hydrate." Copies of the document are available from the Proposition 65 Implementation Office and may be requested by calling (916) 445-6900. The document is also available through the Internet at the following address: <http://www.oehha.ca.gov/prop65.html>. This notice marks the beginning of a 60-day public comment period. Comments should be submitted in triplicate and directed to:

Cynthia Oshita  
Office of Environmental Health Hazard Assessment  
Proposition 65 Implementation  
P.O. Box 4010  
1001 I Street, 19<sup>th</sup> floor  
Sacramento, California 95812-4010  
FAX (916) 323-8803

**In order to be considered, comments must be postmarked (if sent by mail) or received at OEHHA (if hand-delivered or sent by fax) by 5:00 p.m. on Tuesday, September 23, 2003.**

OEHHA will organize and index the comments received and forward the information to the CIC members prior to the meeting at which the candidate chemical will be considered. The next meeting of the CIC is scheduled for **Friday, October 17, 2003**. The meeting will be held at the California Environmental Protection Agency Headquarters Building, Sierra Hearing Room, at 1001 I Street, Sacramento, California. The meeting will begin at 10:00 a.m. and will last until all business is conducted or until 5:00 p.m. The agenda for the meeting will be provided in a future public notice published in advance of the October 17 meeting.

**CALIFORNIA ENVIRONMENTAL  
PROTECTION AGENCY  
OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC  
ENFORCEMENT ACT OF 1986  
(PROPOSITION 65)**

**NOTICE TO INTERESTED PARTIES**

**AVAILABILITY OF THE DRAFT HAZARD  
IDENTIFICATION DOCUMENTS FOR  
PROPACHLOR AND PHENOL**

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). The Developmental and Reproductive Toxicant (DART) Identification Committee of OEHHA's Science Advisory Board advises and assists OEHHA in compiling the list of chemicals known to the State to cause reproductive toxicity, which is mandated by Health and Safety Code Section 25249.8. The DART Identification Committee serves as the State's qualified experts for determining whether a chemical has been clearly shown through scientifically valid testing according to generally accepted principles to cause reproductive toxicity.

On July 16, 1999, OEHHA requested information in relation to the preparation of a draft hazard identification document on propachlor, a chemical to be considered by the DART Identification Committee for possible addition to the Proposition 65 list. The data call-in period ended on August 16, 1999. No information or data were received on propachlor.

OEHHA requested information in relation to the preparation of a draft hazard identification document on phenol on February 14, 2003. The data call-in period ended on April 15, 2003. Comments received during the data call-in period were considered during the preparation of the draft hazard identification document on phenol.

OEHHA has prepared the draft hazard identification documents for propachlor and phenol and announces the availability of the draft documents entitled: "Evidence on the Developmental and Reproductive Toxicity of Propachlor," and "Evidence on the Developmental and Reproductive Toxicity of Phenol." Copies of the draft documents are available from the Proposition 65 Implementation Office and may be requested by calling (916) 445-6900. The documents are also available through the Internet at the following address: <http://www.oehha.ca.gov/prop65.html>.



This notice marks the beginning of a 60-day public comment period. Comments should be submitted in triplicate and directed to:

Cynthia Oshita  
Office of Environmental Health Hazard Assessment  
Proposition 65 Implementation  
P.O. Box 4010  
1001 I Street, 19<sup>th</sup> floor  
Sacramento, California 95812-4010  
FAX (916) 323-8803

**In order to be considered, comments must be postmarked (if sent by mail) or received at OEHHA (if hand-delivered or sent by fax) by 5:00 p.m. on Tuesday, September 23, 2003.**

OEHHA will organize and index the comments received and forward the information to the DART Identification Committee members prior to the meeting at which the candidate chemicals will be considered. The next meeting of the DART Identification Committee is scheduled for **Thursday, October 16, 2003**. The meeting will be held the California Environmental Protection Agency Headquarters Building, Sierra Hearing Room, at 1001 I Street, Sacramento, California. The meeting will begin at 10:00 a.m. and will last until all business is conducted or until 5:00 p.m. The agenda for the meeting will be provided in a future public notice published in advance of the October 16 meeting.

## DECISION NOT TO PROCEED

### DEPARTMENT OF SOCIAL SERVICES

#### NOTICE OF DECISION NOT TO PROCEED

Pursuant to Government Code Section 11347(a), the California Department of Social Services (CDSS) hereby notices that it has decided to not proceed with the proposed regulatory action in Manual of Policies and Procedures/Title 22, Division 6, Chapter 3, Sections 82001, 82003, 82005, 82006, 82007, 82008, 82010, 82012, 82017, 82018, 82019, 82019.1, 82020, 82021, 82022, 82023, 82024, 82025, 82026, 82027, 82028, 82029, 82030, 82031, 82034, 82035, 82036, 82040, 82042, 82043, 82044, 82045, 82046, 82051, 82052, 82053, 82054, 82055, 82056, 82058, 82059, 82061, 82062, 82063, 82064, 82065, 82065.1, 82065.5, 82066, 82068, 82068.2, 82068.3, 82068.5, 82069, 82070, 82071, 82072, 82073, 82074, 82075, 82075.1, 82076, 82077, 82077.2, 82077.4, 82077.5, 82078, 82079, 82086, 82087, 82087.2, 82087.3, 82087.4, 82088, 82088.2, 82090, 82091, 82092, 82092.1, 82092.3, 82092.4, 82092.5, 82092.6, 82092.7, 82092.8, 82092.9, 82092.10, 82092.11,

82093, 82094, 82094.5; Chapter 3.5, Sections 82500, 82501, 82522, 82564, 82565, 82565.1, 82565.5, 82568.2, 82568.3, 82568.5, 82570, 82575, 82575.1, 82576, 82577, 82579, 82587, 82587.2, 82587.3, 82587.4, 82588, and 82588.2, noticed in Z-01-1120-19, CRNR 2001 Volume No. 48-Z page 2035, Adult Day Care/Adult Day Support Regulations (ORD #1000-20).

### DEPARTMENT OF TOXIC SUBSTANCES CONTROL

#### NOTICE OF INTENT NOT TO PROCEED

#### MANIFEST DISCREPANCIES

#### Department Reference Number: R-01-13

**NOTICE IS HEREBY GIVEN** that the Department of Toxic Substances Control (DTSC) will not proceed with the adoption of the Manifest Discrepancy Regulations, DTSC Reference Number R-01-13, which was public noticed on August 2, 2002, with notice file number Z-02-0723-01. The Manifest Discrepancy Regulations proposed to amend the California Code of Regulations, title 22, sections 66262.54, 66264.71, 66264.72, 66265.71, 66265.72, 66270.30, and the Appendix to division 4.5, chapter, 12, article 7, by providing new requirements for reporting hazardous waste manifest discrepancies involving wastes that hold potential for uses as weapons of terror. Instead, DTSC is adopting the Hazardous Waste of Concern emergency regulations as mandated by Senate Bill 489 [Sen. Bill No. 489 (2001–2002 Reg. Sess.) Romero], which are broader in scope and will replace the proposed Manifest Discrepancy Regulations.

### RESPIRATORY CARE BOARD

[Examination Path]

#### NOTICE OF DECISION NOT TO PROCEED WITH RULEMAKING ACTION

Pursuant to Government Code Section 11347, the Respiratory Care Board of California has decided not to proceed with the adoption of Section 1399.341 of Title 16, Division 13.6, of the California Code of Regulations, regarding the establishment of an examination path.

This notice of proposed rulemaking was published in the California Regulatory Notice register on September 6, 2002, Notice file No. Z-02-0827-04.

## DISAPPROVAL DECISIONS

### DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS

Printed below are the summaries of Office of Administrative Law disapproval decisions. Disapproval decisions are available at [www.oal.ca.gov](http://www.oal.ca.gov). You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339, (916) 323-6225—FAX (916) 323-6826. Please request by OAL file number.

#### STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW (Gov. Code Sec. 11349.3) OAL File No. 03-0530-03s

#### DECISION REGARDING PARTIAL DISAPPROVAL OF A RULEMAKING ACTION

**In re:**

**AGENCY: CALIFORNIA INTEGRATED WASTE  
MANAGEMENT BOARD**

**RULEMAKING ACTION: Adopt sections 17225.25, 17380–17386, 18223, 18223.5 of title 14; Amend 18831 of title 14 and 21565 of title 27; Repeal 17225.54 of title 14 of the California Code of Regulations**

#### SUMMARY OF RULEMAKING ACTION

This rulemaking action places facilities and operations that receive, store, handle, transfer, or process construction, demolition, and inert (“CDI”) debris into the following regulatory tiers: (1) Enforcement Agency Notification for the following: less than 25 tons per day of any combination of CDI debris, less than 200 tons per day of construction and demolition (“C & D”) wood debris chipping and grinding operations, emergency CDI processing operations, and less than 1500 tons per day of inert debris Type A only processing operations; (2) Registration for the following: 25 to 175 tons per day of CDI debris and for 200 to 500 tons per day C & D wood debris chipping and grinding operations; and, (3) Full Solid Waste Facility Permit for the following: more than 175 tons per day of CDI debris, more than 1500 tons per day of any combination of Type A and Type B inert debris or any amount of Type B inert debris, and more than 500 tons per day C & D wood debris chipping and grinding operations. The action also establishes

minimum operating standards for each regulated activity and defines activities that are excluded from regulation.

Date July 15, 2003

MICHAEL McNAMER  
Senior Counsel

for: Sheila R. Mohan  
Acting Director/Chief Counsel

Original: Julie Nauman, Chief Deputy Director  
cc: Michel Bledsoe, Staff Counsel

#### STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW (Gov. Code Sec. 11349.3) OAL File No. 03-0520-02 SR

**In re:**

**DEPARTMENT OF SOCIAL SERVICES  
REGULATORY ACTION: Title 22, California  
Code of Regulations (CCR), Manual of Policies and  
Procedures (MPP)**

**ADOPT, AMEND, AND REPEAL: SECTIONS  
82001 ET SEQ.; NON-CONSECUTIVE; SEE  
ATTACHMENT “A” )**

#### DECISION SUMMARY

The regulatory action reorganizes largely existing provisions regarding adult day care and adult day support centers so that each chapter will be complete in itself, replacing the combination of a central section of general regulations governing all community care facilities plus a separate, specialized chapter on adult day care and adult day support centers. The action also makes other changes and conforms these provisions to similar ones on criminal record clearances and exemptions for workers and volunteers in child care facilities.

On January 15, 2003, the Office of Administrative Law (“OAL”) disapproved the proposed adoption, amendment, and repeal of sections 82001–82588.2, not consecutive, in Title 22, California Code of Regulations (“CCR”) and in the Manual of Policies and Procedures (“MPP for failing to follow the procedures required by the Administrative Procedure Act (“APA”) and failing to comply with the Clarity, Necessity, and Consistency standards of the APA.<sup>1</sup> The disapproved file was OAL file no. 02-1202-06S. On May 20, 2003, the Department resubmitted that

<sup>1</sup> Unless otherwise specified, all references are to Title 22 of the California Code of Regulations and the MPP, which retains the same numbering as Title 22, but also contains so-called “handbook” provisions, most of which repeat statutory language or provide non-regulatory examples.

disapproval file as OAL file no. 03-0520-02SR. On July 2, 2003, OAL disapproved the resubmittal file for the same reasons cited in the January 15, 2003 notice of disapproval.

July 9, 2003

GORDON R. YOUNG

Senior Staff Counsel

For: Sheila R. Mohan

Acting Director/Chief Counsel

Original: Rita Saenz, Director

Cc: Anthony J. Velasquez

Cc: Robin Garvey

## **RULEMAKING PETITION DECISIONS**

### **BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF CALIFORNIA**

**File No. RH03029826**

#### **DECISION ON PETITION FOR RULEMAKING**

**In the Matter of the Application of**

**CONSUMERS UNION OF US, INC.,  
NATIONAL COUNCIL OF LA RAZA,  
SOUTHERN CHRISTIAN LEADERSHIP  
CONFERENCE OF GREATER LOS ANGELES,  
SPANISH SPEAKING CITIZENS'  
FOUNDATION, FOUNDATION FOR  
CONSUMER AND TAXPAYER RIGHTS, CITY  
OF LOS ANGELES, CITY OF OAKLAND,  
CITY & COUNTY OF SAN FRANCISCO**

#### **Petitioners.**

On May 29, 2003, the Insurance Commissioner of the State of California received a petition from Consumers Union of US, Inc., National Council of La Raza, Southern Christian Leadership Conference of Greater Los Angeles, Spanish Speaking Citizens' Foundation, Foundation for Taxpayer and Consumer Rights, the City of Los Angeles, the City of Oakland, and the City & County of San Francisco (collectively hereinafter "Petitioners"). Petitioners, pursuant to Government Code section 11340.6, requested that the Commissioner undertake a rulemaking proceeding to amend certain regulations that implement the automobile rating factor provisions of California Insurance Code, section 1861.02(a). The Commissioner hereby grants the Petition for Rulemaking. Petitioners have

requested amendments to California Code of Regulations, title 10, section 2632.8, entitled "Factor Weights." Given the importance of this issue, the Commissioner proposes to consider amendments to this regulation, pursuant to the authority of Insurance Code, section 1861.02(a). Pursuant to Government Code, section 11340.7 the Commissioner intends to schedule this matter for public hearing in accordance with the notice and hearing requirements of Article 5 of the Government Code (commencing with section 11346). The Commissioner will arrange for public discussions regarding the regulations to be proposed. Specifically, pursuant to Government Code section 11346.45, the Department of Insurance will invite the public to participate in discussions regarding the regulations to be proposed. Notice regarding these public discussions will be forthcoming. Interested persons may obtain a copy of the petition from, or direct questions to Bryant Henley, Staff Counsel, California Department of Insurance, 45 Fremont, 21<sup>st</sup> Floor, San Francisco, CA 94105 [(415) 538-4111].

JOHN GARAMENDI

Insurance Commissioner

By Connie Perry

Deputy General Counsel

## **SUMMARY OF REGULATORY ACTIONS**

### **REGULATIONS FILED WITH SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

#### **CALIFORNIA EARTHQUAKE AUTHORITY Conflict of Interest Code**

This rulemaking amends the California Earthquake Authority's Conflict of Interest Code.

Title 2

California Code of Regulations

AMEND: 56800

Filed 07/14/03

Effective 08/13/03

Agency Contact: Niel Hall

(916) 492-4300

**CALIFORNIA INTEGRATED WASTE  
MANAGEMENT BOARD  
Construction and Demolition Debris**

This rulemaking action places construction, demolition, and inert (CDI) debris into the following regulatory tiers: Enforcement Agency Notification for: less than 25 tons per day of any combination of CDI debris, less than 200 tons per day of construction and demolition (C & D) wood debris chipping and grinding operations, emergency CDI processing operations, and less than 1500 tons per day of inert debris Type A only processing operations; Registration: for 25 to 175 tons per day of CDI debris and for 200 to 500 tons per day C & D wood debris chipping and grinding operations; Full Solid Waste Facility Permit for: more than 175 tons per day of CDI debris, more than 1500 tons per day of any combination of Type A or Type B inert debris or any amount of Type B inert debris, and more than 500 tons per day C & D wood debris chipping and grinding operations. The action also establishes minimum operating standards for each regulated activity and defines activities that are excluded from regulation.

Title 14, 27

California Code of Regulations

ADOPT: 17225.25, 17380, 17380.1, 17381, 17381.1, 17381.2, 17380.1, 17382, 17383, 17383.1, 17383.2, 17383.3, 17383.4, 17383.5, 17383.6, 17383.7, 17383.8, 17383.9, 17383.10, 17384, 17384.1, 17385, 17386, 18223, 18223.5 AMEND: 18831, 21565 REPEAL: 17225.

Filed 07/10/03

Effective 08/09/03

Agency Contact:

Michael Bledsoe (916) 341-6058

**CALIFORNIA SCHOOL FINANCE AUTHORITY  
Charter School Facilities Program**

This Certificate of Compliance adopts the requirements for financing charter school construction projects, pursuant to the Charter Schools Facilities Program. (Previous OAL file #03-0203-04E)

Title 4

California Code of Regulations

ADOPT: 10151, 10152, 10153, 10154, 10155, 10156, 10157, 10158, 10159, 10160, 10161, 10162  
Filed 07/14/03

Effective 07/14/03

Agency Contact: Mark Paxson (916) 651-6846

**DEPARTMENT OF CORPORATIONS  
CDDTL—Long Form and Short Form**

This emergency regulatory action readopts the long and short forms of the application for licensure to conduct deferred deposit transactions. (Previous OAL file #03-0311-06E)

Title 10

California Code of Regulations

ADOPT: 2020, 2021 AMEND: 250.51

Filed 07/14/03

Effective 07/14/03

Agency Contact: Kathy Womack (916) 322-3553

**DEPARTMENT OF FOOD AND AGRICULTURE  
Oak Mortality Disease Control**

This Certificate of Compliance requires leaves of camellia (*Camellia japonica*), plants and stems of laurustinus (*Viburnum tinus*), plants and plant parts of andromeda (*Pieris formosa*), and azaleas to be included as regulated articles and commodities for *Phytophthora ramorum*, the fungus that causes oak mortality disease.

Title 3

California Code of Regulations

AMEND: 3700(c)

Filed 07/10/03

Effective 07/10/03

Agency Contact: Stephen Brown (916) 654-1017

**DEPARTMENT OF INSURANCE  
Communications Equipment Insurance Agent License**

The emergency regulatory action deals with communications equipment insurance agent licenses. (Department of Insurance File ER02026113.)

Title 10

California Code of Regulations

ADOPT: 2194, 2194.1, 2194.2, 2194.3, 2194.4, 2194.5, 2194.6, 2194.7, 2194.8

Filed 07/11/03

Effective 07/11/03

Agency Contact: Julie D. Soo (415) 538-4429

**DEPARTMENT OF INSURANCE  
Non-Resident Surplus Lines Broker Record Keeping**

In this emergency regulatory action, the Department of Insurance amends its regulations pertaining to "Production Agency Records" to establish record-keeping requirements for non-resident surplus line brokers and non-resident special lines' surplus lines brokers.

Title 10

California Code of Regulations

AMEND: 2190.05, 2190.7

Filed 07/14/03

Effective 07/14/03

Agency Contact: Denise Yuponce (916) 492-3171

**DEPARTMENT OF REAL ESTATE  
Real Estate License and Subdivision Fees**

This regulatory action reduces the fee amount for real estate broker and real estate salesperson licenses, including fees for late renewal and obtaining restricted



licenses; reduces the fees for subdivision filings; and reduces the fees for filing out of state time-share projects.

**Title 10**

California Code of Regulations

ADOPT: 2716.1, 2790.1.5, 2805.1.5

Filed 07/15/03

Effective 08/31/03

Agency Contact: David B. Seals (916) 227-0789

**DEPARTMENT OF SOCIAL SERVICES**

**Community Care Licensing**

This emergency regulatory action sets forth the requirements and procedures for criminal background checks, including fingerprinting, and criminal background check exemptions for persons who work or are present in licensed facilities that provide care to children and dependent adults.

**Title 22, MPP**

California Code of Regulations

ADOPT: 102416.1 AMEND: 80001, 80019, 80019.1, 80019.2, 80054, 80061, 80065, 80066, 87101, 87219, 87219.1, 87454, 87565, 87566, 87801, 87819, 87819.1, 87854, 87861, 87865, 87866, 101152, 101170, 101170.1, 101170.2, 101195, 101212, 101216, 101217, 102352,

Filed 07/14/03

Effective 07/16/03

Agency Contact:

Anthony J. Velasquez (916) 657-2586

**DEPARTMENT OF TOXIC SUBSTANCES**

**CONTROL**

**Hazardous Wastes of Concern**

This emergency regulatory action adopts provisions dealing with the transportation of hazardous waste, as required by Health and Safety Code section 25169.8.

**Title 22**

California Code of Regulations

ADOPT: 66261.111, 66263.32, 66264.78, 66265.78 AMEND: 66264.72, 66265.72 REPEAL: 66262.54, 66264.71, 66264.72, 66265.71, 66265.72, 6627030,

Filed 07/10/03

Effective 07/10/03

Agency Contact: Nikole Pearson (916) 324-2858

**FISH AND GAME COMMISSION**

**Mammal Hunting Tag Applications for 2003/2004**

The Fish and Game Commission is amending the captioned section pertaining to the Big Game Tag Applications corrected for the current year, 2003–2004. Various increases in tag fees based on Fish and Game Code section 713.

**Title 14**

California Code of Regulations

AMEND: 708

Filed 07/14/03

Effective 07/14/03

Agency Contact: John M. Duffy (916) 653-4899

**MANAGED RISK MEDICAL INSURANCE**

**BOARD**

**Conflict of Interest Code**

The Managed Risk Medical Insurance Board is amending its conflict of interest code which is found at title 2, California Code of Regulations, ch. 55, sec. 54400. This amendment was approved for filing by the Fair Political Practices Commission on May 12, 2003.

**Title 2**

California Code of Regulations

AMEND: Chapter 55, Section 54400

Filed 07/14/03

Effective 08/13/03

Agency Contact:

Donald G. Minnich (916) 327-7978

**OCCUPATIONAL SAFETY AND HEALTH**

**STANDARDS BOARD**

**Explosives**

This action reorganizes and updates the regulations relating to the use of explosives in the workplace, consolidating all the regulations in the General Industrial Safety Orders.

**Title 8**

California Code of Regulations

ADOPT: 5248, 5252.1, 5253.1, 5298.1, 5307, 5308 AMEND: 1504, 5236, 5237, 5238, 5239, 5240, 5241, 5242, 5243, 5244, 5245, 5246, 5247, 5251, 5252, 5253, 5254, 5256, 5257, 5258, 5262, 5267, 5268, 5269, 5270, 5276, 5277, 5278, 5279, 5280, 5291, 5292, 5293,

Filed 07/11/03

Effective 08/10/03

Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH**

**STANDARDS BOARD**

**Scaffold Design and Use**

This action establishes strength and loading requirements for light, medium, heavy, and special-duty scaffolds.

**Title 8**

California Code of Regulations

AMEND: 1504, 1637

Filed 07/11/03

Effective 08/10/03

Agency Contact: Marley Hart (916) 274-5721

**STATE WATER RESOURCES CONTROL BOARD**

**Amendment to Cent Valley Basin Plan—Mercury**

This amendment to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins establishes a program for the control of

mercury in clear lake. The amendment adds (1) the commercial and sport fishing beneficial use designation to Clear lake, (2) adds a Water Quality Objective for methylmercury in Clear Lake specifying that methylmercury is not to exceed 0.09% mg/kg in trophic level 3 fish and 0.19% mg/kg in trophic level 4 fish, (3) adds an implementation plan to reduce mercury levels in lake sediment and fish tissues that include a requirement to within ten years reduce mercury loads from the Sulphur Bank Mercury Mine by 95%, reduce lake sediment mercury concentrations by 70%, and reduce mercury loads from tributary creeks by 20%, and (4) requires establishment of a monitoring and surveillance program.

Title 23  
California Code of Regulations  
ADOPT: 3945  
Filed 07/15/03  
Effective 07/15/03  
Agency Contact: Greg Frantz (916) 341-5553

#### STATE WATER RESOURCES CONTROL BOARD Water Quality Control Plan, Colorado River Basin

This action is the State Water Resources Control Board's approval of an amendment to the Water Quality Control Plan for the Colorado River Basin Region which prohibits discharge from individual wastewater disposal systems in Cathedral City Cove effective January 1, 2012.

Title 23  
California Code of Regulations  
ADOPT: 3964  
Filed 07/15/03  
Effective 07/15/03  
Agency Contact: Joanne Cox (916) 341-5552

#### VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD Emergency Awards

In the Certificate of Compliance regulatory action, the Victim Compensation and Government Claims Board amends a regulation providing for "emergency awards" in connection with the Victim Compensation Program (which assists eligible victims who incur certain expenses as a direct result of crimes).

Title 2  
California Code of Regulations  
AMEND: 649.11  
Filed 07/14/03  
Effective 07/14/03  
Agency Contact:  
Judith A. Kopec (916) 327-4016

### CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN MARCH 12, 2003 TO JULY 16, 2003

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

#### Title 1

07/01/03 AMEND: 1038  
05/08/03 REPEAL: 121, 122, 123, 124, 125, 125.5, 126, 127, 128, App. A (Form 1013)

#### Title 2

07/14/03 AMEND: 649.11  
07/14/03 AMEND: Chapter 55, Section 54400  
07/14/03 AMEND: 56800  
07/07/03 ADOPT: 1859.77.3 AMEND: 1859.2, 1859.77.2  
06/19/03 AMEND: 1859.2, 1859.20, 1859.21, 1859.74.2, 1859.74.3, 1859.74.4, 1859.75, 1859.75.1, 1859.78.3, 1859.79, 1859.81.1, 1859.83, 1859.107, 1859.145  
06/16/03 ADOPT: 18530.2  
06/13/03 ADOPT: 1859.160, 1859.161, 1859.162, 1859.162.1, 1859.163, 1859.164, 1859.164.1, 1859.165, 1859.166, 1859.166.1, 1859.167, 1859.168, 1859.169, 1859.170, 1859.171 AMEND: 1859.2, 1859.51, 1859.103, 1859.106, 1859.145.1  
06/12/03 ADOPT: 18329.5  
06/12/03 AMEND: 1859.77.2  
06/12/03 AMEND: 1555  
06/10/03 ADOPT: 18702.5 AMEND: 18702, 18702.1  
06/04/03 ADOPT: 649.23, 649.24, 649.25  
05/08/03 AMEND: 2970  
05/07/03 AMEND: 547.80, 17030, 17111, 17112, 17151 REPEAL: 547.81, 17434  
05/07/03 ADOPT: 471.1 AMEND: 470, 470.1, 471, 472, 17502, 17520  
05/01/03 AMEND: 1859.61, 1859.105, 1859.106, 1859.141, 1859.142, 1859.145, 1859.147, 1859.148, 1859.150.1, 1859.151, 1859.152, 1859.153  
04/28/03 AMEND: 1897  
04/21/03 ADOPT: 1185.02, 1186 AMEND: 1181.1, 1183, 1183.01, 1185, 1185.01, 1185.02,

1185.1, Article 6 title. REPEAL: 1185.2,  
1186, 1186.1, 1186.2, 1186.3, 1188.5  
04/10/03 AMEND: 18313  
04/09/03 ADOPT: 18550.1 AMEND: 18225.7  
04/04/03 AMEND: 599.885  
04/03/03 ADOPT: 23000, 23100, 23100, 23200,  
23300  
04/03/03 AMEND: 599.515  
04/01/03 AMEND: 52.4  
03/27/03 ADOPT: 18754  
03/24/03 AMEND: 321

**Title 3**

07/10/03 AMEND: 3700(c)  
07/08/03 AMEND: 3700(c)  
07/03/03 ADOPT: 755, 755.1, 755.2, 755.3, 755.4,  
755.5, 755.6, 756, 756.1, 756.2, 756.3,  
757, 758, 758.1, 759 AMEND: 753.2  
REPEAL: 757, 759, 759.1, 759.2, 759.3,  
759.4, 759.5  
06/26/03 AMEND: 3417(b)  
06/12/03 AMEND: 3423(b)  
06/03/03 AMEND: 3417  
06/02/03 REPEAL: 796  
05/28/03 ADOPT: 1392.12  
05/22/03 AMEND: 6860  
05/19/03 ADOPT: 6450, 6450.1, 6450.2, 6450.3,  
6784 AMEND: 6000 REPEAL: 6450,  
6450.1, 6450.2, 6450.3, 6784  
05/05/03 ADOPT: 1310, 1310.1, 1310.2, 1310.3  
04/24/03 AMEND: 6000, 6710  
04/21/03 AMEND: 3417(b)  
04/21/03 AMEND: 3423(b)  
04/15/03 AMEND: 3423(b)  
04/08/03 ADOPT: 760, 760.1, 760.2, 760.3, 760.4,  
760.5, 760.6, 760.7, 760.9 REPEAL: 760,  
765  
04/07/03 AMEND: 3417(b)  
04/03/03 AMEND: 300(c)  
04/01/03 AMEND: 3417(b)  
03/26/03 ADOPT: 797  
03/20/03 AMEND: 3700(c)

**Title 4**

07/14/03 ADOPT: 10151, 10152, 10153, 10154,  
10155, 10156, 10157, 10158, 10159,  
10160, 10161, 10162  
06/26/03 AMEND: 12100, 12101, 12104, 12105,  
12120, 12122, 12124, 12126, 12128,  
12130, 12132, 12140, 12142  
06/16/03 ADOPT: 12370  
05/22/03 ADOPT: 12300, 12301, 12302, 12304,  
12305, 12306, 12307, 12308, 12309,  
12310 AMEND: 12301, 12303, 12309  
04/09/03 AMEND: 1467

**Title 5**

07/03/03 AMEND: 51023.5

06/20/03 ADOPT: 13075  
06/16/03 ADOPT: 9531, 9532  
05/15/03 ADOPT: 24000, 24001, 24002, 24003,  
24004, 24005, 24006, 24007, 24008,  
24009  
05/01/03 ADOPT: 1218.5 AMEND: 1200, 1204,  
1209, 1211, 1212, 1215, 1216, 1217,  
1217.5, 1219, 1219.5, 1220, 1225  
04/21/03 ADOPT: 11990  
04/15/03 AMEND: 18106  
04/14/03 AMEND: 11510, 11512.5(a)(11), 11517  
REPEAL: 11510(j)  
04/07/03 ADOPT: 80020.1  
04/03/03 ADOPT: 11971, 11972, 11973, 11974,  
11975, 11976, 11977, 11978, 11979,  
11980  
03/18/03 AMEND: 20438, 20440  
03/12/03 ADOPT: 53207

**Title 7**

06/03/03 AMEND: 201, 202, 203, 204, 208, 209,  
210, 211, 213, 214, 215, 216, 217, 218,  
219, 220, 221, 222

**Title 8**

07/11/03 AMEND: 1504, 1637  
07/11/03 ADOPT: 5248, 5252.1, 5253.1, 5298.1,  
5307, 5308 AMEND: 1504, 5236, 5237,  
5238, 5239, 5240, 5241, 5242, 5243,  
5244, 5245, 5246, 5247, 5251, 5252,  
5253, 5254, 5256, 5257, 5258, 5262,  
5267, 5268, 5269, 5270, 5276, 5277,  
5278, 5279, 5280, 5291, 5292, 5293,  
07/03/03 ADOPT: 5006.1 AMEND: 5006  
07/03/03 AMEND: 1635, 1710  
06/26/03 AMEND: 421, 422, 422.1, 423, 424.1,  
424.2, 424.3, 424.4, 425.1, 425.2, 426,  
427.1, 427.2, 427.3, 427.4, 428  
06/12/03 ADOPT: 3195. 3195.2, 3195.3, 3195.4  
3195.5, 3195.6, 3195.7, 3195.8, 3195.9,  
3195.10, 3195.11, 3195.12, 3195.13,  
3195.14  
06/09/03 AMEND: 344.30  
06/02/03 AMEND: 4821  
05/30/03 ADOPT: 15220, 15220.1, 15220.2,  
15220.3, 15220.4, 15220.5, 15220.6,  
15220.7, 15220.8 AMEND: 15201,  
15210, 15210.1, 15210.2, 15216, 15430  
05/29/03 AMEND: 5161, 5164  
05/27/03 AMEND: 5214  
05/20/03 AMEND: 9785, 9785.2, 9785.3, 9786,  
9787  
05/07/03 ADOPT: 20400, 20401, 20402, 20403,  
20404, 20405, 20406, 20407, 20408,  
20450  
05/01/03 AMEND: 10106.1, 10107.1, 10111.2  
05/01/03 AMEND: 10122, 10133.15, 10133.16  
04/09/03 AMEND: 15210

04/07/03 AMEND: 15251  
03/26/03 AMEND: 3279, 3280

**Title 9**

06/19/03 ADOPT: 1840.112 AMEND: 1830.215  
06/05/03 ADOPT: 880, 881, 882, 883, 884, 885,  
886, 890, 891, 892  
05/20/03 ADOPT: 7149.1 AMEND: 7174  
03/25/03 AMEND: 821

**Title 10**

07/15/03 ADOPT: 2716.1, 2790.1.5, 2805.1.5  
07/14/03 ADOPT: 2020, 2021 AMEND: 250.51  
07/14/03 AMEND: 2190.05, 2190.7  
07/11/03 ADOPT: 2194, 2194.1, 2194.2, 2194.3,  
2194.4, 2194.5, 2194.6, 2194.7, 2194.8  
07/03/03 AMEND: 2498.2  
07/03/03 AMEND: 260.102.14  
06/19/03 AMEND: 5.2001  
06/10/03 ADOPT: 310.156.3 AMEND: 310.114.1  
06/05/03 AMEND: 2695.2  
06/03/03 AMEND: 2509.40, 2509.41, 2509.42,  
2509.43, 2509.44, 2509.45, 2509.46,  
2509.47, 2509.48, 2509.49, 2509.50,  
2509.51, 2509.52, 2509.53, 2509.54,  
2509.55, 2509.56, 2509.57, 2509.58,  
2509.59, 2509.60, 2509.61, 2509.62,  
2509.63, 2509.64, 2509.65, 2509.66, 250  
06/03/03 ADOPT: 2615, 2615.1, 2615.2, 2615.3  
AMEND: 2698.99.10, 2698.99.11,  
2698.99.12, 2698.99.13  
05/20/03 AMEND: 2699.100, 2699.200, 2699.201,  
2699.202, 2699.205, 2699.206, 2699.207,  
2699.210, 2699.300, 2699.301, 2699.303,  
2699.304, 2699.400  
05/06/03 ADOPT: 2498.6  
04/29/03 ADOPT: 2192.1, 2192.2, 2192.3, 2192.4,  
2192.5, 2192.6, 2192.7, 2192.8, 2192.9,  
2192.10, 2192.11, 2192.12, 2192.13 RE-  
PEAL: 01-0905-01E, 02-0129-02 EE,  
02-0531-04 EE  
04/24/03 ADOPT: 2278, 2278.1, 2278.2, 2278.3,  
2278.4, 2278.5  
04/24/03 ADOPT: 2695.85 AMEND: 2695.1,  
2695.2, 2695.3, 2695.4, 2695.5, 2695.6,  
2695.7, 2695.8, 2695.9, 2695.10,  
2695.11, 2695.12, 2695.14  
04/17/03 AMEND: 5002  
03/27/03 AMEND: 260.211, 260.211.1  
03/20/03 ADOPT: 2698, 9910, 2698.99.11,  
2698.99.12, 2698.99.13  
03/20/03 ADOPT: 2187.4  
03/13/03 ADOPT: 2020, 2021 AMEND: 250.51

**Title 11**

07/08/03 AMEND: 1005  
07/03/03 AMEND: 1081  
06/26/03 AMEND: 1002

06/06/03 AMEND: 1053  
06/02/03 AMEND: 1003  
05/05/03 AMEND: 1005  
04/07/03 AMEND: 1005, 1052, D-2  
04/03/03 ADOPT: 977.52 AMEND: 977.20,  
977.43, 977.44, 977.45, 977.50, 977.51

**Title 12**

05/29/03 AMEND: 3000

**Title 13**

06/26/03 AMEND: 181.00  
06/23/03 ADOPT: 150.04  
06/16/03 ADOPT: 2480  
05/12/03 ADOPT: 2700, 2701, 2702, 2703, 2704,  
2705, 2706, 2707, 2708, 2709, 2710  
05/12/03 ADOPT: 147.00  
05/07/03 ADOPT: 82.00  
05/06/03 AMEND: 1239  
05/01/03 ADOPT: 2273.5 AMEND: 2260, 2261,  
2262.6, 2263, 2272, 2273  
04/17/03 ADOPT: 157.00  
04/17/03 AMEND: 115.07  
04/16/03 AMEND: 1956.8  
04/14/03 AMEND: 2412(b)

**Title 14**

07/14/03 AMEND: 708  
07/07/03 AMEND: 18464, 18465  
06/30/03 AMEND: 230  
06/26/03 AMEND: 1.74  
06/26/03 AMEND: 791.7, 870.15, 870.17, 870.19,  
870.21,  
06/24/03 AMEND: 354, 360, 361, 362, 363, 364  
06/24/03 AMEND: 749.2  
06/23/03 ADOPT: 25050  
06/19/03 AMEND: 7.00  
06/17/03 AMEND: 7.50(b)(91.1)  
06/16/03 AMEND: 122  
06/10/03 AMEND: 601  
06/06/03 AMEND: 852.60.1, 852.60.2, 852.60.3,  
852.60.4, 852.61.1, 852.61.2, 852.61.3,  
852.61.4, 852.61.5, 852.61.6, 852.61.7,  
852.61.8, 852.61.9, 852.61.10, 852.61.11,  
852.61.12, 852.62.1, 852.62.2, 852.62.3  
06/05/03 ADOPT: 712  
06/02/03 AMEND: 17946, 17949  
05/30/03 ADOPT: 3704.1  
05/28/03 ADOPT: 18456.4, 18460.1.1 AMEND:  
18449, 18450, 18451, 18453, 18453.2,  
18454, 18455, 18456, 18456.1, 18456.2,  
18456.3, 18457, 18458, 18459, 18459.1,  
18459.2, 18459.3, 18460.1, 18460.2,  
18461, 18462, 18463, 18465 REPEAL:  
18452, 18457.1, 18460, 18464  
05/22/03 AMEND: 11303, 11386  
05/05/03 ADOPT: 11021  
05/01/03 AMEND: 27.80



04/30/03 AMEND: 791.7, 870.15, 870.17, 870.19, 870.21, Form FG OSPR-1972  
 04/30/03 AMEND: 6504, 6578.4, 6600.1  
 04/28/03 AMEND: 2930  
 04/17/03 AMEND: 11945  
 04/15/03 ADOPT: 1.39, 1.49, 27.83 AMEND: 27.82  
 04/15/03 ADOPT: 3704.1  
 04/14/03 ADOPT: 1.92 AMEND: 671, 671.1  
 04/08/03 AMEND: 791.7  
 04/07/03 ADOPT: 4970.09 AMEND: 4970.00, 4970.01, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4907.07, 4970.08, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21, 4970.22, 4970.23, 4970.24, 4970.25, 4970.2  
 04/04/03 ADOPT: 17211, 17211.1, 17211.2, 17211.3, 17211.4, 17211.5, 17211.6, 17211.7, 17211.8, 17211.9  
 04/04/03 ADOPT: 17853.0, 17854, 17588.2, 17855.4, 17857.1, 17859.1, 17863.4, 17867.5, 17868.5, 18227 AMEND: 17850, 17852, 17855, 17862, 17862.1, 17863, 17865, 17866, 17867, 17868.1, 17868.2, 17868.3, 17869, 17870, 18103.1 REPEAL: 17857, 17858, 17859, 17860, 178  
 04/01/03 AMEND: 2090, 2105, 2420, 2425, 2530, 2690 and renumber 2690 to 2850  
 04/01/03 ADOPT: 17225.710, 17225.717, 1225.720, 17225.725, 17225.750, 17225.755, 17225.760, 17225.770, 172225.795, 17225.800, 17225.820, 18478.5, 18494.5, 18499.1, 18499.2, 18499.3, 18499.4, 18499.5, 18499.6, 18499.7, 18499.8, 18499.9 AMEND: 17225.715, 17350, 173  
 03/27/03 AMEND: 708  
 03/26/03 AMEND: 120, 120.3  
 03/26/03 AMEND: 150.02, 150.04

**Title 14, 27**

07/10/03 ADOPT: 17225.25, 17380, 17380.1, 17381, 17381.1, 17381.2, 17380.1, 17382, 17383, 17383.1, 17383.2, 17383.3, 17383.4, 17383.5, 17383.6, 17383.7, 17383.8, 17383.9, 17383.10, 17384, 17384.1, 17385, 17386, 18223, 18223.5 AMEND: 18831, 21565 REPEAL: 17225.

**Title 15**

07/08/03 REPEAL: 3901.7.4, 3901.9.1, 3901.9.4, 3901.17.1, 3901.17.2, 3901.17.3, 3901.17.4, 3901.17.5, 3901.19.1,

3901.19.2, 3901.19.3, 3901.19.4, 3901.19.5, 3901.19.6, 3901.21.3, 3901.35.1, 3901.35.2  
 06/24/03 AMEND: 2576, 2578, 2580  
 06/23/03 ADOPT: 1018, 1046, 1047, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1120, 1121, 1122, 1123, 1124, 1125, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1160, 1161, 1162, 1163, 1378 AMEND: 1006, 1010, 1302, 1310, 1313, 1314, 1320  
 06/17/03 AMEND: 2269.1, 2273, 2308, 2369  
 05/27/03 AMEND: 3097  
 05/22/03 AMEND: 3170, 3170.1, 3171, 3172, 3173  
 05/19/03 AMEND: 4941  
 05/06/03 AMEND: 3041.3(b)  
 04/15/03 REPEAL: 3901.1, 3901.1.2, 3901.3.1, 3901.5.1, 3901.5.2, 3901.5.3, 3901.5.4, 3901.5.5, 3901.5.6, 3901.7.1, 3901.7.2, 3901.7.3, 3901.9.2, 3901.9.3, 3901.9.5, 3901.9.6, 3901.11.1, 3901.13.1, 3901.13.2, 3901.13.3, 3901.15.1, 3901.15.2, 3901.15.3, 3901.15.4,  
 04/08/03 AMEND: 3025, 3315  
 03/18/03 AMEND: 3006

**Title 16**

07/07/03 ADOPT: 326  
 07/07/03 AMEND: 355.1  
 07/03/03 AMEND: 317  
 06/26/03 ADOPT: 1993.2, 1993.3 AMEND: 1991  
 06/19/03 ADOPT: 2474  
 06/12/03 AMEND: 3351.6, 3366  
 06/09/03 AMEND: 3303.2, 3340.15, 3340.16, 3340.16.6, 3340.17, 3340.18, 3340.32, 3340.41, 3340.42  
 06/05/03 ADOPT: 811  
 06/04/03 AMEND: 3340.42  
 06/04/03 ADOPT: 475, 476  
 06/02/03 AMEND: 407  
 05/27/03 AMEND: 1845, 1858, 1881  
 05/27/03 ADOPT: 2317, 2317.1, 2317.2, 2326.5, 2328.1  
 05/22/03 ADOPT: 1073.2  
 05/15/03 ADOPT: 642  
 05/05/03 AMEND: 2602, 2603, 2604, 2606, 2610, 2614, 2615, 2616, 2620, 2620.5, 2621, 2623, 2624, 2630, 2630.2, 2630.3, 2649, 2655, 2656  
 05/02/03 AMEND: 1953  
 05/01/03 AMEND: 2602, 2615, 2620  
 04/30/03 ADOPT: 1070.2 AMEND: 1070, 1070.1  
 04/28/03 AMEND: 3340.1, 3392.1, 3392.2, 3392.3, 3392.5, 3392.6 REPEAL: 3392.4  
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